



End Point Assessment Policies



Document History

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Malpractice and Maladministration Policy

1. Introduction

Incidents of malpractice / maladministration can potentially lead to apprentices being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to Qualitrain employers and training providers. It is therefore necessary to prevent malpractice or maladministration from occurring whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice / maladministration should be dealt with quickly, thoroughly, and effectively.

2. Scope

This policy has been designed with reference to the Ofqual general conditions of recognition, to meet the external quality assurance requirements of the Institute for Apprenticeships and Technical Education (IFATE), and applies to all End Point Assessment (EPA) activities.

This policy is not intended to be prescriptive or imply that using it will guarantee compliance with Qualitrain requirements as it is each employer and / or training provider's responsibility to ensure they have in place appropriate internal controls and audit trails.

3. Communication

It is important that those involved in the management, assessment and quality assurance of Qualitrain EPA, and apprentices, are fully aware of the contents of the policy and the guidance offered. The policy can be found on the Qualitrain website <https://qualitrain.co.uk/policies/> or available from our assessment staff.

4. Responsibilities

It is the responsibility of all Qualitrain staff / associates, employers and training providers to be vigilant with regard to any events which may lead to malpractice / maladministration occurring, and that all those involved in EPA have arrangements in place to prevent and investigate instances of malpractice and maladministration.

5. Definitions

Definition	Examples
<p>Malpractice</p> <p>An activity or practice which deliberately contravenes regulations, and codes of practice where these compromise the integrity of the EPA process and/or the validity of apprenticeship certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:</p> <ul style="list-style-type: none"> • The EPA process • The integrity of an EPA activity • The validity of a result or the apprenticeship certificate • The reputation and credibility of Qualitrain • The apprenticeship brand • The IfATE 	<p>Please note that these examples are not exhaustive and are only intended as guidance:</p> <ul style="list-style-type: none"> • Denial of access to premises, records, information, apprentices and staff to any authorised Qualitrain representative • Failure to carry out an internal assessment, internal moderation or standardisation in accordance with EPA or Qualitrain requirements • Deliberate failure to adhere to Qualitrain apprentice registration on ACE 360 and certification procedures; adhere to EPA requirements; maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence • Fraudulent claim for certificates • The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones) • Intentional withholding of information from Qualitrain which is critical to maintaining the rigor of quality assurance and standards of EPA • Deliberate misuse of Qualitrain logo and trademarks or misrepresentation of a relationship with Qualitrain • Collusion or permitting collusion in questioning/assessments • Persistent instances of maladministration • Deliberate contravention by an employer/training provider / technical expert and/or its apprentices of the EPA rules specified for the apprenticeship, in accordance with the assessment plan • A loss, theft of, or a breach of confidentiality in, any assessment materials • Plagiarism by apprentices/staff

Definition	Examples
Maladministration	
<p>Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration (e.g. inappropriate apprentice records)</p>	<ul style="list-style-type: none"> • Persistent failure to: adhere to Qualitrain apprentice registration and certification procedures; to adhere to EPA requirements; to schedule activities in enough time to allow Qualitrain to source experts for their role in EPA; adhere to, or to circumnavigate, the requirements of Qualitrain Reasonable Adjustments Policy • Late apprentice registrations • Unreasonable delays in responding to requests and / or communications from Qualitrain • Failure to maintain appropriate auditable records • Withholding of information, by deliberate act or omission, from us which is required to assure Qualitrain of the ability to deliver appropriately • Misuse of Qualitrain logo and trademarks or misrepresentation of a relationship with Qualitrain • Infringements identified at audit of EPA delivery

6. Process for making an allegation of malpractice or maladministration

Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify Qualitrain via one of the following methods:

Email: info@Qualitrain.co.uk
 Telephone: 01773 417340
 Post: **Qualitrain assessment Team**
 Qualitrain EPAO
 26 Royal Scot Road,
 Pride Park,

Derby.
DE24 8AJ

All allegations must include (where possible):

- Employer and training provider name, address and contact details
- Apprentice's name (where applicable)
- Qualitrain personnel's details (name, job role) if they are involved in the case
- Details of Qualitrain
- EPA affected or 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. If the employer or training provider has conducted an initial investigation, before formally notifying Qualitrain, the employer or training provider should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

However, it is essential to note that in all instances the employer or training provider must immediately notify Qualitrain if they suspect malpractice or maladministration has occurred, as we have a responsibility to ensure that all investigations are carried out rigorously and effectively. Any reported incidents will be added to the Malpractice / Maladministration register.

7. Confidentiality and 'Whistle Blowing.'

Whistleblowing is a term used to refer to an individual who discloses information relating to actual malpractice or maladministration and/or the covering up of such practices. Whistleblowers have protection in law under the Public Interest Disclosure Act in certain circumstances.

Qualitrain will always endeavour to keep a whistle-blower's identity confidential were asked to do so, although we cannot guarantee this and we may need to disclose your identity to the police or other law enforcement agencies, the courts or another person to whom we are required by law to disclose your identity. A whistle-blower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure. While we are prepared to investigate issues which are reported to us anonymously, we shall always try to confirm an allegation using a separate investigation before taking up the matter with those the complaint/allegation relates too. It is not always possible to investigate or substantiate anonymous reports. Qualitrain implement a specific Whistleblowing policy GP22.

8. Responsibility for the investigation

All suspected cases of maladministration and malpractice will be examined promptly to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from occurring.

All suspected cases of malpractice and maladministration will be passed to Qualitrain Responsible person, and we will acknowledge receipt, as appropriate, to external parties within 48 hours.

Qualitrain's Responsible person will be accountable for ensuring the investigation is carried out promptly and effectively and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Qualitrain.

At all times, we will ensure that Qualitrain personnel assigned to the investigation have the appropriate level of training and competence, and they have had no previous involvement or personal interest in the matter.

9. Notifying relevant parties

In all cases of suspected or actual malpractice, we will notify the lead contact involved in the allegation that we will be investigating the matter. We may ask you to investigate the issue in liaison with Qualitrain's own personnel – in doing so, we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, Qualitrain's responsible person will inform the IFATE, Ofqual or Education and Skills Funding Agency (ESFA) if we believe there has been an incident of malpractice or maladministration, which could either invalidate the award of an apprenticeship.

Where the allegation may affect another organisation, we will also inform them. If we do not know the details of organisations that might be affected, we will ask the Ofqual, IFATE or ESFA to help us identify relevant parties that should be informed.

10. Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within ten working days of receipt of the allegation. Please note that in some cases the investigation may take longer. For example, if a visit is required. In such instances, we will advise all parties concerned about the likely revised timescale. The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those involved
- To establish the scale of the irregularities
- To evaluate any action already taken by the employer
- To determine whether remedial action is required to reduce the risk to currently registered apprentices and to preserve the integrity of the qualification
- To ascertain whether any action is required in respect of certificates already issued
- To identify any adverse patterns or trends
- The investigation may involve a request for further information from relevant parties and / or interviews with personnel involved in the investigation.

Therefore, we will:

- Ensure 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 an employer/training provider / technical expert will be retained for a period of not less than five years.
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case, and any appeals have been heard and for five years after that.
- Expect all parties, who are either directly or indirectly involved in the investigation, to

fully cooperate with us. Either at the notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we have the right to implement our agreement if needed to protect the interests of apprentices and the integrity of the apprenticeship EPA. We also reserve the right to withhold an apprentice's and / or cohort's results for EPA if they were undergoing EPA at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from an employer or training provider means that they are unable to complete an investigation. In such circumstances, we will consult the relevant regulatory authority to determine how best to progress the matter.

Where a member of Qualitrain's staff is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation Qualitrain's Responsible Person will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties. If Qualitrain's Responsible Person has any conflict in doing this, another senior member of staff will be appointed to manage the investigation.

Once all evidence is collated Qualitrain's responsible person will take to the senior board for them to decide the outcome of the investigation. The overall decision will be made by the Associate MD of the company.

11. Investigation report

After an investigation, we will produce a draft report for relevant parties concerned to check the factual accuracy where appropriate. Any subsequent amendments will be agreed between the parties concerned and ourselves.

The report will:

- Identify where the breach, if any, occurred
- Confirm the facts of the case. Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied. We will make the final report available to the parties concerned and to other external agencies as required.

12. Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action(s) to take to:

- Minimise the risk to the integrity of EPA delivery and apprenticeships certification now and in the future
- Maintain public confidence in the delivery of EPA and the award of the apprenticeship certificate
- Discourage others from carrying out similar instances of malpractice or maladministration
- Ensure there has been no gain from compromising Qualitrain standards

The actions we may take include:

- Inform the Ofqual, IFATE and ESFA
- Impose actions in relation to the employer/training provider with specified deadlines to address the instance of malpractice/maladministration and to prevent it from recurring.
- In cases where certificates are deemed to be invalid, inform the employer and lead training provider concerned why they are invalid and any action to be taken for re-assessment and/or for the withdrawal of the certificates. We will also ask the employer/training provider to let the affected apprentices know the action we are taking and that their original certificates are invalid and ask the employer, where possible, to return the invalid certificates. We will also amend Qualitrain database so that duplicates of the invalid certificates cannot be issued and we expect the employer and their lead training provider to amend their records to show that the original awards are invalid and that the apprentice has not completed and achieved
- Review and if necessary, amend aspects of Qualitrain delivery and certification arrangements and if appropriate, assessment and / or monitoring arrangements and associated guidance to prevent the issue from recurring
- Inform relevant third parties (e.g. funding bodies) of Qualitrain findings in case they need to take relevant action. In proven cases of malpractice and / or maladministration, Qualitrain reserves the right to charge for any re-assessment and re-issuing of certificates and / or additional external quality assurance or audit visits. The fees for re-assessment for these visits will be the current Qualitrain prices for such activities at the time of the investigation. In addition to the above Qualitrain Responsible Person will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help Qualitrain to prevent the same instance of maladministration or malpractice from reoccurring. If the relevant party/ies

wish to appeal against Qualitrain' decision to impose non-conformances please refer to Qualitrain Appeals Policy.

13. Monitoring and Review

Qualitrain will review the Malpractice and Maladministration in line with the governance policy and terms of reference.

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