



ETC Awards Limited

Malpractice and Maladministration Policy

Introduction

Customers and learners who are involved in the delivery of or are registered on ETA qualifications either within the UK or internationally should be aware of this policy in the event that they become subject to a suspected or proven malpractice or maladministration case, should read and be aware of the information contained within this policy.

The responsibilities of all parties involved, including ETA are detailed within this policy together with the stages of the process that will be followed to investigate and review a suspected malpractice or maladministration case.

Centre Responsibility

All ETA approved centres must have in place, arrangements to investigate suspected cases of malpractice and maladministration in addition to ensuring that all members of the delivery team and learners are familiar with the contents of this policy.

Failure to report even a suspected case of malpractice and/or maladministration to ETA could result in a centre being sanctioned and will affect the risk rating of the centre. If you feel you would like support in understanding how you can mitigate against or deal with cases of malpractice or maladministration, please contact the ETA directly.

Definition of Malpractice

A deliberate act or practice which contravenes the regulatory requirements and undermines the integrity of ETA qualifications, through the delivery, internal or external quality assurance, assessment or certification process.

It is possible for anyone involved in the qualification process to be involved in malpractice including, learners, centre staff, external quality assurance advisors and awarding organisation staff.

To meet the regulatory requirements, it is necessary for ETA to have procedures and policies in place to minimise the risk of malpractice happening within the organisation and quality assurance audits are carried out according to the requirements.

Below is a non-exhaustive list of examples of centre and learner malpractice, there are others and this should only be used as a guide:

- Plagiarism by learners
- Amendment, copying or deliberate damage to assessment evidence or exam papers
- Submission of false information to claim a qualification
- Insecure storage of assessment evidence or exam papers
- Forgery of evidence
- Learners still undertaking a qualification after the certificate has been claimed
- Failure to adhere to the registration and certification process
- Contravention of the ETA Terms and Conditions and Centre Requirements
- Not undertaking any aspect of the assessment, quality assurance and delivery requirements
- Failure to maintain appropriate and auditable records

- Denial of access to the centre and processes by ETA staff or nominated contractors
- Unauthorised use of non-permitted items
- Persistent cases of maladministration

Definition of Maladministration

A process or activity undertaken that results in non-compliance with the regulatory requirements underpinned by ETA Terms and Conditions and Centre Requirements. This includes on-going poor administration and multiple mistakes in the administration process.

Below is a non-exhaustive list of examples of maladministration, there are others and this should only be used as a guide:

- Failure to adhere to our learner registration and certification procedures
- Failure to adhere to our centre approval requirements and/or associated actions assigned to the centre
- Failure to adhere to our qualification requirements
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from ETA
- Inaccurate claims for certificates (including certificates claimed 'in error')
- Failure to maintain appropriate auditable records (e.g. certification claims)
- Withholding of information which is required to assure ETA of the centre's ability to deliver
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with ETA and/or its recognition and approval status with ETA
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.
- A loss or breach of confidentiality in any assessment materials

Maladministration and Malpractice Reporting Process

ETA must be notified immediately of any suspected Malpractice or Maladministration, this can be by anyone who becomes aware of the situation and must be done in writing, via email to the Head of Solutions and Compliance (HOS&C).

The email should include:

- Informants name and position and where possible a signature
- Centre name and address and, if possible number
- Learner name and registration number (if applicable)
- Dates of malpractice or maladministration
- Details of malpractice or maladministration
- Details of ETA qualification(s) involved in malpractice or maladministration
- Name, position, contact details for personnel involved in malpractice or maladministration
- Where possible, written statement from anyone involved or a witness to the malpractice or maladministration

It is perfectly acceptable for a centre to investigate a suspected case of malpractice or maladministration itself; however it is essential they report it to ETA immediately advising of their intention to investigate, the actions to be taken and the timescales. Once they have undertaken the investigation they must report their findings to ETA immediately.

Investigating an Allegation of Malpractice or Maladministration

Immediately upon receipt of notification of suspected malpractice or maladministration, ETA will review the evidence available in order to make a decision as to whether there is a case to be investigated. If it is evident that an adverse effect has taken place, ETA will take steps to mitigate the effect and ensure that further adverse effects cannot occur.

All notification of suspected malpractice or maladministration will be acknowledged within 3 working days. The HOS&C will appoint appropriately experienced personnel to undertake the investigation and review the evidence in detail. The HOS&C will oversee the process at all times.

Informing relevant parties

ETA will immediately inform the Head of Centre, if they are not already aware and will advise them that an investigation will be undertaken. If learner malpractice is suggested, the centre will be asked to undertake their own investigation and work with the allocated ETA personnel.

If potential or actual adverse effect has been identified, ETA will inform the regulator immediately and keep them updated throughout the investigation of the actions being taken to reduce the impact and mitigate against future impact.

Should it be felt by ETA that the circumstances of the suspected malpractice or maladministration might affect another centre or awarding organisation, ETA will inform the affected parties and the regulator of the situation.

Process undertaken and timescales

ETA will always work towards investigating, resolving and reporting within 21 days of receiving the notification. On occasions it may be necessary to extend the period of time due to availability and in the case of a visit to a centre, travel arrangements being made. If this is the case, updates on the timescale anticipated will be provided on a regular basis.

In order to ensure the investigation is thorough and the appropriate outcome is achieved it may be necessary for ETA to:

- Visit the centre
- Interview any relevant personnel or individual
- Request further information

It is anticipated that all involved would cooperate fully at all times. Failure to do so on the part of the centre could result in further sanctions being placed on the centre and the risk rating being adjusted accordingly.

The HOS&C will remain the point of contact during the investigation and will provide updates and information to the relevant parties.

Report

Immediately following the investigation ETA will produce a draft report which will be made available to the parties concerned to check for factual accuracy. The final report will be made available, again to the parties concerned but also the regulators and any other parties ETA deem appropriate. In providing this report, ETA will:

- Provide them with details of the evidence we found to support our judgment
- Identify where the malpractice/maladministration occurred
- Identify who was responsible for the malpractice/maladministration
- Confirm an appropriate level of remedial action, including any sanctions, to be applied
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies
- Confirm the facts of the case and any mitigating factors if relevant with sufficient auditable records
- Provide them with an opportunity to consider and respond to the allegation and our findings
- Inform them of our Appeals Policy should they wish to appeal against our decision

If an external party provided the original notification of suspected malpractice or maladministration, ETA will review the final report to ensure that it does not include sensitive or confidential information before providing the informant with the outcome of the investigation.

Outcome and actions

If the suspected case of malpractice or maladministration proves to be actual following the investigation, ETA will take appropriate action with a centre to address the situation including applying additional sanctions and informing third parties. These may include, but are not limited to:

- Inform the centre of invalid certificates and the action to be taken to reassess
- Action that will be taken by ETA to retrieve invalid certificates
- Advise the regulator of invalid certificate
- Inform funding organisations of relevant actions taken with regard to invalid certificates
- Suspend the centre from registering additional learners until new processes are in place
- Suspend the centre from all future activity
- Undertaking additional/increased EQA visits to provide them with greater support and or monitoring
- Require specific centre staff to undertake additional training and /or scrutiny by the centre
- Take action against learners in relation to proven instances of cheating, plagiarism, fraud etc.

Should any of the parties subject to the investigation wish to appeal the outcome, they should refer to the ETA Appeals Policy.

Confidentiality and Whistle Blowing

We understand that sometimes you may wish to remain anonymous particular in the case of malpractice and maladministration as often this is being committed by a colleague or maybe even an employer. Under the Public Interest Disclosure Act, in certain circumstances whistle blowers are protected. Ofqual have published guidance to outline this and ETA undertake to operate within this guidance.

Where possible ETA will not reveal a whistle blowers identity, however in some cases it may not possible for example if the police or courts become involved. It should also be noted that a whistle blower may be identifiable to others simply due to the nature of the situation and their role within the organisation.

Please be assured that we will always investigate issues raised by an anonymous whistle blower, however it will be necessary for us to confirm the details via investigation before the issue is followed up with the relevant parties. All investigations of this nature are dealt with in accordance with the guidance and legislation from the regulators.