

Malpractice and Maladministration Policy

This policy applies to PMA Tutors who deliver awarding body accredited qualifications, and help and support in their development. The policy provides definition and examples of malpractice and maladministration, which may occur in connection with Tutors, apprentices, learners and our clients in general.

PMA is required to take reasonable steps to prevent the occurrence of malpractice and maladministration. This policy outlines the actions that could bring the integrity of ILM and City and Guilds qualifications and programmes into question, the practices that constitute malpractice and maladministration and the procedures that should be undertaken to manage and mitigate suspected occurrences.

Definitions

As is defined by ILM, Malpractice is an act or an instance of improper practice and includes maladministration. Malpractice is any activity, practice or omission, which, is either, wilfully negligent or deliberately contravenes regulations and compromises the:

- Internal or external assessment process
- Integrity of a regulated qualification
- Validity of a result or certificate
- Reputation and credibility of ILM/C&G

Examples of apprentice / learner malpractice, although not an exhaustive list, include:

- Falsification or fabrication of assessment evidence
- Any form of impersonation
- Any form of cheating to gain an improper advantage
- Collusion i.e. allowing another apprentice / learner to copy work or the unsanctioned collaboration between an apprentice / learner and another individual in the production of work that would be submitted by an apprentice / learner as the outcome of his/her individual efforts.
- False declaration of authenticity in relation to the contents of a portfolio or coursework

All PMA associates and clients should take reasonable steps to prevent malpractice and / or maladministration from occurring throughout the development, delivery and assessment of ILM/C&G qualifications and programmes.

For the purposes of this document, the term 'malpractice' also covers both maladministration and misconduct whether deliberate or unintentional.

The misuse of the ILM or City and Guilds name, logo or brand may also constitute malpractice.

PMA will use a process to investigate all cases of suspected malpractice. Ways to identify Malpractice include:

- Identification by a Tutor or Internal Verifier or another member of PMA staff
- Identification by an External Verifier or member of PMA staff through PMA's quality assurance processes or monitoring visits to a centre/provider
- Verbal or written allegations reported openly or anonymously by an apprentice / learner, third party or other interested party to a centre/provider or PMA. This could be by an individual who are aware by word of mouth through a third party that something has happened or is happening that has not been authorised and is inappropriate, or something they have identified or witnessed personally.

All suspected or alleged cases of malpractice or maladministration will be; investigated and reported to ILM's Regulation and Quality Improvement Manager (RQIM) and/or City and Guilds investigation and compliance team by emailing:

ILMRegulation@i-l-m.com

investigationandcompliance@cityandguilds.com

PMA will include details of the alleged activity and the source/evidence for the allegation.

In cases where breaches have occurred due to maladministration rather than malpractice, the matter may be referred to the External Verifier to agree action to prevent any future occurrences.

Where an investigation is under-taken by PMA, the Tutors and other relevant parties, will be informed, this reporting will be by no longer than 10 working days after the conclusion of the investigation. The report and any actions arising, will also be communicated to ILM/C&G

Where a malpractice incident is likely to cause an Adverse Effect (as defined in appendix 2), for example invalidate the award of a qualification or have implications for another awarding organisation, the RQIM will inform the relevant regulator and the affected awarding organisation.

The rights of individuals with regard to anonymity and the avoidance of discrimination will be upheld, for example, Whistle-blowers: protected by legislation. This confirms that their protection from harassment and unfair or damaging treatment regardless of whether the allegations are unfounded.

For the avoidance of doubt, the wrongdoing a whistle-blower discloses must be in the public interest i.e. it must affect others.

If a whistle-blower reports any of the following, they protected by law:

- A criminal offence for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law
- Someone is covering up wrongdoing

Any individual alleged to be involved in malpractice, must be informed of the allegation that has been made and of the evidence, which supports that allegation. The individual, must also be given the opportunity, to submit a written statement to the investigating team.

Action following an investigation

In most investigations into suspected malpractice, trained PMA employees will make all decisions. However, in cases of serious malpractice, the decision may be made by, ILM's Malpractice Committee and/ or City and Guilds investigation and compliance team. The ILM Quality and Regulatory Group and/ or City and Guilds investigation and compliance team will oversee the investigation process and will ratify the outcome of each investigation regardless of the decision maker.

If the investigation confirms that malpractice has taken place, dependant on the gravity and scope, one or more of the following actions will be taken,:



- Disallowing all or part of an apprentice / learner/s assessment evidence or marks
- The apprentice / learner/s certificates will not be issued, or previously issued invalid certificates for the apprentice / learner(s) will be withdrawn
- No further registrations will be accepted for the apprentice / learner(s)
- The Centre risk rating will be reviewed which could lead to increased centre visits and/or the imposition of sanctions. These sanctions could include the suspension of registrations, suspension of certification or suspension of centre approval and/or qualification approval or withdrawal of centre approval
- Appointment of independent invigilators to observe an examination Implementation of an agreed improvement action plan
- A report will be made to the relevant regulatory bodies and may be shared with awarding organisations and/or other agencies such as funding bodies or the police

In addition to the above PMA may decide to take specific action against an apprentice / learner or a specific member of staff dependent on the gravity and scope of the investigation outcome. This could include:

- Barring an apprentice / learner from registering on an ILM qualification or programme at any centre for a set period
- Suspension of a centre's member of staff from any involvement in the delivery of ILM/C&G qualifications or programmes for a set period
- Imposition of special conditions for a centre member of staff involvement in the delivery of ILM/C&G qualifications or programmes.

Continuous Improvement

PMA monitor this policy, associated feedback, and ensure it is maintained and updated to ensure ILM/C&G qualifications and programmes are accessible to all, whilst maintaining quality in implementation.

Appendix 1 – Investigations

The primary principle of our investigations is to conduct them in a fair, reasonable and legal manner that ensures consideration to all evidence without bias.

It is crucial that you establish the facts that relate to an allegation in a systematic way in order to:

- Identify if any irregularities have taken place and by whom
- Establish the cause and scale of the irregularities
- Determine what remedial action is needed to preserve the integrity of an assessment/qualification and reduce the risk to current apprentice / learners
- Establish how to mitigate against the risk of the same incident occurring in future.

There are several steps involved in any investigation and these are:

Agree the terms of the Investigation

These will clearly define exactly what is within in the scope of the investigation, what falls outside of this and, what will not be investigated. Where appropriate, we will ensure that all parties have agreed on this to manage any unrealistic expectations.

Investigation team

A senior manager will personally supervise the investigation. Where it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority.

Investigators will be impartial, have no conflict of interest with the person who raised the issue or with the people involved in the allegation and will not have been involved in the same issue at an earlier stage.

Investigation plan

Within the investigation plan, will be highlighted any problems that need to be addressed and focused on such as the fundamental issues requiring investigation. It will set out key dates and activities to ensure that the investigation is completed within the deadlines set. Key activities will include desk-based research, gathering evidence including any necessary meetings to establish facts on or off site, analysis of evidence including written statements, determining recommendations and producing an investigation report.

The Investigation

The investigation will gather evidence to establish the facts of the case. All investigators will maintain an auditable record of each action during the investigation.

Any materials associated with the investigation, including any written statements by apprentice / learners, staff members or other third parties (signed and dated), will be stored securely in the event of a subsequent challenge and to ensure that evidence can be supplied to ILM/C&G on request. When conducting interviews whether face to face or by telephone as part of an investigation, the interviewer will use prepared questions and the responses recorded. Two people will conduct face-to-face interviews. One person undertaking the role of interviewer and the other as note-taker to ensure any resulting notes from interviews bear scrutiny.

A draft transcript will be made of the interview and the interviewee, to check it, for factual accuracy and confirm it is, a true reflection of the conversation that took place. Interview to use the “PEACE” model:

- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluation

The interviewee will be informed that another individual may accompany them, and they do not have to answer any questions.

Analysing evidence

We will identify all points of agreement, or, where there is consistent evidence. This will enable us to focus on the areas where there is no consistency and identify variances. We will consider how the evidence supports one explanation over another, how credible the evidence is and establish any other corroborating evidence that we can test it against.

Reporting

On conclusion of the investigation, a full written report will be submitted to ILM/C&G. The investigation report will explain and record the conclusions reached and will include a full account of the circumstances of the alleged malpractice and details of the investigation carried out.

The report will not contain the names of any whistle-blower or individual that wished to remain anonymous and, as far as possible, not include any information that could potentially reveal their identity.

The report will be submitted to ILM/C&G along with any material that is relevant to the investigation which may include dated and signed written statements by apprentice / learners, PMA staff or third parties, internal quality assurance records, assessment records and apprentice / learner work.

The report will be given due consideration by the awarding organisation and a response provided within 10 working days of receipt.

Appendix 2 - Definition of an Adverse Effect

As defined by Ofqual, the Office of Qualifications and Examinations Regulation, an adverse effect is an act, omission, event, incident, or circumstance has an Adverse Effect if it:

- Gives rise to prejudice to Learners or potential Learners, or
- Adversely affects –
 - The ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - The standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - Public confidence in qualifications.

Appendix 3 – Format and content of an Investigation Report

PMA Investigation Report	
Report Cover Sheet	
Date of report	
Centre Name	
Centre Number	
Full Qualification or Programme Title and code	
Unit code (where applicable)	
Apprentice / learner(s) involved (if appropriate)	
Staff involved (if appropriate)	
Area of concern	
Investigation Team (Name, position and signatures *)	
Report Written By:	
Reported Reviewed and Signed off by:	

To be completed by a senior manager if the investigation was delegated to another member of staff

*Investigators that sign this report are confirming that any individuals involved have been notified of the issue and been given the opportunity to comment and where appropriate submit a written signed statement.

Report Contents

1. Purpose of the investigation
2. Background and nature of allegation
3. Key issues
4. Information and evidence including documentation/information reviewed
5. Findings from the investigation and/or review of documentation including compliance/non-compliance with PMA processes and procedures and awarding organisation requirements

Main Contacts:

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Should you have any concerns around Safeguarding please email:

PMA DSL, Lisa Lindgren at: safeguarding@practicemanagersuk.org

Please be assured your email will be treated in the strictest confidence and that you will receive a direct reply from Lisa within 24 hours.

Revisions control:

Date	Summary of changes made	Changes made by (Name)	Version No.
21 st Oct 2016	Malpractice and Maladministration Policy created	Ian Jones	V1.0
24 th March 2017	Qualifications update and other refinements – removal of elements not required	Ian Jones	V2.0
27 th Nov 2017	Qualifications update and other refinements – removal of elements not required	Ian Jones	V3.0
25 th Nov 2018	General formatting and updates	Ian Jones	V4.0
13 th Dec 2018	Update contact details	Natasha Sumner	V4.7
1 st December 2019	Amended to refer to all awarding bodies not just ILM	Elaine Crowther	V 5
28 th September 2020	Minor amendments	Carol Brown	V6

Next Review Due: September 2020