

CIHT Apprenticeship Assessment Malpractice and Maladministration policy

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1.Purpose

This document sets out the approach CIHT will take to prevent the occurrence of any malpractice or maladministration in the development, delivery and implementation of Apprenticeship assessments. All suspected cases of maladministration and malpractice will be examined promptly and all reasonable steps taken to prevent any Adverse Effect from occurring.

This document defines malpractice and maladministration in the context of Apprenticeship Assessments and details the procedures to be followed when reporting suspected or actual cases of malpractice or maladministration. It also sets out the steps CIHT will take to review and investigate any such cases, reporting arrangements and types of action it will take.

It is the responsibility of all stakeholders who are involved with CIHT Apprenticeship assessment provision, to ensure that they are familiar with this policy, and that they follow the procedures.

2. Definitions

Malpractice is essentially any activity or practice, which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of results or certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of an apprenticeship
- the validity of a result or certificate
- the reputation and credibility of CIHT.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records to claim certificates.

Maladministration is essentially any activity or practice, which results in non-compliance with administrative regulations and requirements for Apprenticeship Assessment.

3. Examples of malpractice

The following list gives examples of malpractice (this list is not exhaustive):

- Breaching Apprenticeship Assessment requirements;
- Learning providers, employers, or apprentices intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, or during the Apprenticeship Assessment;
- Learning providers or employers helping apprentices to answer assessment questions or producing assessment evidence, beyond what is allowed under the Apprenticeship Assessment plan;
- Staff or apprentices undertaking Apprenticeship Assessment on behalf of someone else;
- Submitting or plagiarising work that is not the apprentice's own;
- Deliberate destruction or tampering with work or assessment records;
- Giving a false declaration of authenticity of assessment evidence;
- Deliberately giving false assessment evidence, records, results and other documents relating to the Apprenticeship Assessment;
- Apprentices offering a bribe of any type to CIHT staff or assessors;
- Threatening or abusive behaviour;
- Unauthorised distribution of assessment materials;
- Failing to cooperate with an investigation as requested by CIHT.

4. Examples of maladministration

The following list gives examples of maladministration (this list is not exhaustive):

- Failing to maintain and keep accurate records about apprentices
- Failing to provide accurate records about apprentices to CIHT
- Any actions which lead to apprentice having an unfair advantage or disadvantage

5. Reporting malpractice and maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must notify CIHT immediately**. In doing so, details should be provided in writing, with appropriate supporting evidence, to the CIHT Director of Education, Learning and Training.

Learning Provider staff should be fully aware of the Learning Provider's own procedures for malpractice and maladministration and should ensure those are adhered to whilst the apprentices are on programme. Learning Provider staff are responsible for **immediately notifying CIHT** of any incidents or suspected incidents of malpractice/maladministration during the Apprenticeship Assessment process.

All allegations must include (where possible):

- the nature of the suspected or actual malpractice/maladministration and associated dates
- details of the apprenticeship affected, or the nature of the service affected
- apprentices name
- details of provider personnel (e.g. name, job role) if they are involved in the case
- details of CIHT personnel (e.g. name, job role) if they are involved in the case
- details and outcome of any initial investigation carried out by the provider or anybody else involved in the case, including any mitigating circumstances

In addition, we will ask the person making the allegation to declare any personal interest they may have in the matter at the outset.

It cannot be emphasised enough that in all instances CIHT must be notified immediately if malpractice or maladministration has occurred or is suspected, as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

6. Investigation of malpractice/maladministration

In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by CIHT to establish if malpractice or maladministration has occurred.

The Director of Education, Learning and Training will be responsible for ensuring all cases of reported malpractice and maladministration are investigated within 20 working days (however in some cases the investigation may take longer e.g. if a provider's visit is required). The Director of Education, Learning and Training will allocate, where required, a Lead Investigator who is independent of the staff/apprentice/learning provider being investigated.

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

Investigations will be based around the following broad objectives:

- To establish the facts relating to allegations to determine whether any malpractice and/or maladministration has taken place;
- To identify the cause of any malpractice and/or maladministration and those involved;
- To establish the scale of any malpractice and/or maladministration and whether other Apprenticeship Assessments are affected;
- To evaluate any action already taken by the learning provider;
- To determine whether remedial action is required to reduce the risk to current apprentices and to preserve the integrity of the Apprenticeship Assessment;
- To ascertain whether any action is required in respect of certificates already issued;
- To obtain clear evidence to support any sanctions to be applied to the provider, and/or any actions relating to members of staff
- To identify any adverse patterns or trends.

Throughout the investigation the Director of Education, Learning and Training will be responsible for overseeing the work of the investigation to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping all relevant parties informed. In all cases of whistleblowing, CIHT will protect the identity of the informant (should they so wish) in accordance with our duty of confidentiality and/or any other legal duty.

Where applicable, the Director of Education, Learning and Training will inform the CEO who will decide whether or not to notify Skills England and/or the External Quality Assurer (Ofqual) of any investigation into suspected or actual cases of serious malpractice, and where there is evidence that results may be invalid, CIHT will agree the appropriate course of remedial action with them. In exceptional cases, Skills England and/or the External Quality Assurer (Ofqual) or their nominated representative may lead the investigation.

The investigation may involve a request for further information from relevant parties and/or interviews with staff involved in the investigation. Therefore, we expect all parties, who are either directly or indirectly involved in the investigation, to co-operate fully with us.

In any interviews carried out with the person(s) accused of malpractice and/or maladministration, they can choose to be accompanied by a work colleague, trade union representative or other party.

We will ensure that 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 a provider will be retained for a period of no less than five years.

On conclusion of the investigation, a report detailing the outcome and any required remedial actions will be produced and distributed to the relevant parties. The Director of Education, Learning and Training retains responsibility for ensuring any remedial actions are undertaken in a timely manner to prevent re-occurrence of any instances of malpractice and/or maladministration.

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

7. Investigation report

In a case of suspected malpractice/maladministration the Director of Education, Learning and Training and CEO will review the information and if we believe there is sufficient evidence that malpractice and/or maladministration has taken place we will:

- Inform them individual or organisation (preferably in writing) of the allegation.
- Provide them with details of the evidence we found to support our judgment.
- Inform them of the possible consequences.
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies.
- Provide them with an opportunity to consider and respond to the allegation and our findings
- Inform them of the steps they need to take should they wish to appeal against our decision.

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy (normally sent via email). Any subsequent amendments will be agreed between the parties concerned and us. The report will endeavour to:

- Identify where the malpractice/maladministration, if any, occurred.
- Confirm the facts of the case (and any mitigating factors if relevant)
- Identify who was responsible for the malpractice/maladministration (if any)
- Contain supporting evidence where appropriate (e.g. written statements)
- Confirm an appropriate level of remedial action, including any sanctions, to be applied.

We will make the final report available to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice and/or maladministration, we may also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of our staff the CEO will agree to the report with the relevant internal managers and appropriate internal disciplinary procedures will be implemented. Where appropriate, the relevant authorities (e.g. the Regulators) will be notified.

8. Investigation outcomes

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

- Minimise the risk to the integrity of Apprenticeship Assessments now and in the future;
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards;
- Ensure the same incident does not re-occur.

Actions could include:

- Specific actions within set timescales for the Learning Provider to take to address the findings of this case;
- Acting against Apprentices – for example if found guilty of plagiarism/collusion or fraud;
- Reviewing confidentiality and/or security arrangements;
- Reviewing and amending CIHT systems and procedures if required;
- Carry out additional, related investigations if we believe the issue may be more widespread.

In cases where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration (e.g. cases with alleged fraud or serious threat to the integrity of CIHT Apprenticeship Assessment activities), CIHT is required to inform Ofqual, as the regulator, and/or Skills England immediately after this becomes apparent. The notification is to include information of any steps that have been taken, or intend to take, to prevent the event having an Adverse Effect or to correct or mitigate the Adverse Effect if it occurs. CIHT and the Learning Provider are required to co-operate in full, providing information and taking any appropriate action.

9. Appeals

If the Learning Provider or individuals found to be guilty of malpractice and/or maladministration do not agree with the outcome and/or the decision made they can make an appeal against that decision. The appeal will review the processes taken to ensure that they were applied consistently and fairly.

Contact us

If you wish to make an allegation in accordance with this policy, or if you have a query in relation to our malpractice and/or maladministration arrangements, please contact the Director of Education, Learning and Training at, professionaldevelopment@ciht.org.uk