

EPA MALPRACTICE AND MALADMINISTRATION POLICY

March 2021

BLANK PAGE

(INSIDE COVER)

EPA Malpractice and Maladministration Policy	
Applies to	Employers, Training Providers, CMI Apprentices, CMI Staff and Associated Third Parties
Effective from and replaces all previous versions prior to	26 March 2021
Owned by	Awarding Body Team
Reviewed and monitored by	Senior Quality Manager (EPA) & Head of Awarding Body and Compliance
Document Location	Website & IAA Resource Area
Review Frequency	Annually

Version Control

This is version 4 of the Chartered Management Institute (CMI) EPA Malpractice and Maladministration Policy. This version replaces all previous ones, and it is each training provider/employer's responsibility to ensure that all staff involved in the provision of CMI EPA apprenticeships familiarise themselves with this version of the document.

This document is subject to revision and is maintained electronically. Electronic copies are version controlled. Printed copies are not subject to this control.

History			
Page No.	Chapter Title	Amendments Made	Date Amended
Whole handbook	Whole document	Thorough review and update	10/03/2020

1. Introduction and Purpose

CMI acknowledges that there is a requirement to take reasonable steps to prevent and/or investigate instances of malpractice and maladministration regarding the end point assessment of Apprenticeship Standards.

CMI will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and implementation of endpoint assessment which it makes available or proposes to make available.

In accordance with End Point Assessment Conditions of Acceptance, 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 end point assessments, and details the procedures to be followed when reporting suspected or actual cases of malpractice or maladministration. It also sets out the steps CMI 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 CMI EPA provision to ensure that they are familiar with this policy, and that they follow the procedures as set out within its contents.

2. Definition of Malpractice and Maladministration

2.1 Malpractice

The term malpractice covers any deliberate actions, neglect, default or other practices that compromise, or could compromise:

- The assessment process
- The integrity of an apprenticeship
- The validity of a result or certificate
- The reputation and credibility of CMI
- The confidentiality of assessment materials

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

Failure by a Training Provider or Employer Provider to deal with an identified issue may in itself constitute malpractice.

2.2 Maladministration

The term maladministration relates to any activity, neglect, default or other practice by a Training Provider that results in the Training Provider or Apprentices not complying with the specified requirements for end point assessment.

3. Types of Malpractice

The following lists give some examples of the types of incident that may occur (noting that the list is not exhaustive):

Examples of malpractice may include:

- Breaching EPA requirements
- Providers, employers, or apprentices intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, or during the EPA
- Providers or employers helping apprentices to answer assessment questions or producing assessment

evidence, beyond what EPA requirements allow

- Any staff or apprentices undertaking the EPA on behalf of someone else
- Submitting or plagiarising work that is not the apprentice's own original work (such as using a project writing service to buy work and submit it as their 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 EPA
- Intentionally accessing or trying to access and share confidential assessment material
- Apprentices offering a bribe of any type to invigilators, employer or provider staff or CMI staff (independent apprenticeship assessors or internal quality assurers)
- Use of unauthorised material or devices during the assessment.
- Breaching the invigilation conditions, including inappropriate behaviour, such as apprentices communicating with one another or failing to follow the instructions of the invigilator
- Anyone failing to cooperate with an investigation or act as requested by CMI

4. Types of Maladministration

Examples of maladministration may include:

- Failing to maintain and keep accurate records about apprentices EPAs
- Failing to provide accurate records about apprentices to CMI
- Incidents of not complying with EPA invigilation requirements
- Any actions that lead to apprentices having an unfair advantage or disadvantage

5. Preventing and Dealing with Malpractice and Maladministration

5.1 Roles and Responsibilities

CMI is responsible for:

- Taking all reasonable steps to prevent any malpractice or maladministration during the EPA process
- Ensuring it has written up to date procedures in place for the investigation of suspected or alleged malpractice or maladministration
- Carrying out or overseeing investigations of cases (or suspected cases) of malpractice/maladministration to establish whether it has occurred
- Promptly taking all reasonable steps to prevent (or mitigate) any adverse effects arising from the malpractice/maladministration
- Taking steps to prevent any malpractice or maladministration from recurring
- Taking appropriate and proportionate action against those who are responsible for the malpractice/maladministration
- Informing Training Providers of the malpractice/maladministration, as appropriate
- Notifying regulators promptly where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration
- Reporting the matter to the police, where they believe a criminal act has been committed (especially where the malpractice has led to fraud).

Training Providers/CMI approved staff are responsible for:

- Immediately notifying CMI of any incidents, or suspected incidents, of malpractice/maladministration as required by CMI policies
- Complying with published CMI malpractice procedures
- Taking reasonable steps to prevent malpractice/ maladministration from arising
- Being vigilant to possible instances of malpractice and maladministration
- Assisting with any CMI requests for information
- Co-operating with CMI malpractice/maladministration investigations
- Carrying out investigations of malpractice under the guidance of CMI
- Implementing any actions required during and after investigation into a case of malpractice
- Taking action required to prevent the recurrence of malpractice/maladministration

6. Reporting suspected malpractice or maladministration

CMI Training Providers

Provider staff should be fully aware of the Training Provider's own procedures for preventing malpractice and maladministration, and adhere to those during the on-programme phase of the apprenticeship. CMI's policy on EPA Malpractice and Maladministration covers only the End Point Assessment of apprentices by CMI.

7. Staff or persons involved in the provision of end point assessment

- All staff are responsible for promptly reporting any suspected malpractice or maladministration to the End Point Assessment Quality Manager (or their nominated deputy).
- The End Point Assessment Quality Manager will ensure all reported cases of suspected malpractice or maladministration are investigated within 20 working days.
- The End Point Assessment Quality Manager is responsible for appointing where required, a Lead Investigator who is independent of the staff/apprentices/training provider/employer being investigated.
- The appointed Lead Investigator is responsible for undertaking the investigation and documenting the findings within 20 working days.
- The Institute for Apprenticeships and Technical Education (IfATE) and/or the Regulator, or their nominated representative, may be responsible for leading the investigation if the End-Point Assessment Quality Manager, in conjunction with the Head of Awarding Body & Compliance, deems the situation to be sufficiently serious to warrant regulatory authority involvement.

Throughout the investigation the End-Point Assessment Quality Manager 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, CMI 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 End-Point Assessment Quality Manager will inform the Head of Awarding Body & Compliance who will decide whether or not to notify IfATE and/or the Regulator of any investigation into suspected or actual cases of serious malpractice and, where there is evidence that results may be invalid, will agree the appropriate course of remedial action with them. In exceptional cases, IfATE and/or the Regulator or their nominated representative may lead the investigation.

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 End-Point Assessment Quality Manager retains responsibility for ensuring any remedial actions are undertaken in a timely manner to prevent re-occurrence of any instances of plagiarism, malpractice and/or maladministration.

8. Report and Remedial Actions

In a case of suspected malpractice/maladministration the End Point Assessment Quality Manager will review the information presented by the Lead Investigator and, if there are reasonable grounds, will decide on the most appropriate course of action. The action taken will depend on the nature and severity of the case, but could include:

- Whether the information provided is sufficient to make a judgement.
- Requiring the Lead Investigator to undertake a more in-depth investigation and to provide a written report within a set timescale. This will be in suspected cases of lesser immediate risk or severity
- Requiring the Training Provider and/or the Employer to undertake an in-depth investigation, and provide a report within defined timescale
- Escalating the matter to the Head of Awarding Body & Compliance.
- Implementing the CMI EPA Incident Management Procedure, for example in the case of alleged fraud or in a case of serious threat to the integrity of CMI end point assessment.
- Considering whether there is a risk of an Adverse Effect and the steps that should be taken to prevent

this.

- Considering, in conjunction with the Head of Awarding Body & Compliance, whether IfATE and/or the Regulator should be notified of the matter
- Informing the originator of the case of progress and timescales.

The review will take place as soon as possible after receipt of the Lead Investigator's report and no later than 10 working days after receipt.

If the report confirms that malpractice or maladministration took place CMI will first consider:

- How to minimise any risk to the integrity of the end point assessment process now and in the future
- How to ensure this same incident will not re-occur

Actions they may take could include:

- Specific actions within set timescales for the Training Provider to take to address the findings of this case
- Taking action against Apprentices – for example if found guilty of plagiarism/collusion or fraud
- Reviewing confidentiality and/or security arrangements
- Reviewing and amending CMI systems and procedures if required
- Expanding the original investigation to look at other CMI apprenticeships or Training Providers

9. Notifying the Regulators

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 CMI end-point assessment activities or CMI as an organisation), CMI is required to inform Ofqual, as the regulator, and/or IfATE 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.

CMI and the Training Provider are required to co-operate in full, providing information and taking any appropriate action.

10. Appeals against Malpractice/Maladministration decisions

If the Training 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.

Please refer to the CMI EPA Enquiries and Appeals Policy for more information.

11. Alerting other End Point Assessment Organisations

Regulations require that CMI notifies other End Point Assessment Organisations of cases of malpractice/maladministration where these cases are likely to impact on the other End Point Assessment Organisations. In dealing with cases of malpractice/maladministration CMI must pay due regard to this requirement and notify other End Point Assessment Organisations, as appropriate. This will usually be appropriate where:

- The apprentice/training provider/employer where the malpractice/maladministration has occurred (or is suspected) is also engaged with another End Point Assessment Organisation (for the same or different Apprenticeship Standards) and the (suspected) malpractice could potentially impact on the activities undertaken by that other End Point Assessment Organisation.

- The apprentice/training provider/employer where the malpractice/maladministration has occurred (or is suspected) is also engaged with another End Point Assessment Organisation for the same Apprenticeship Standards and there is the potential for them to move their operations to the other End Point assessment Organisation in an attempt to continue sub-standard practices.

12. Policy Review Arrangements

We will review this policy annually as part of our self-evaluation arrangements and revise it in line with any feedback from customers, learners, regulatory authorities or external agencies, or changes in our practices.

13. Contact Us

If you have any queries about the contents of the policy, please contact our Awarding Body Team via email at epa.absupport@managers.org.uk or via post to:

Chartered Management Institute
Management House
Cottingham Road, Corby
Northamptonshire, NN17 1TT

Every effort has been made to ensure that the information contained within this policy is true and correct at the time of publication. However, CMI products and services are subject to continuous development and improvement and the right is reserved to change products and services from time to time. CMI cannot accept responsibility for any loss or damage arising from the use of the information in this policy.

Chartered Management Institute
Management House
Cottingham Road, Corby
Northamptonshire, NN17 1TT

Registered charity number 1091035
Incorporated by Royal Charter
Charity registered in Scotland number SCO38105

Copyright Chartered Management Institute ©

