

FDQ EPAO 1.5 Malpractice and maladministration

Purpose:	To specify how FDQ aims to prevent malpractice and maladministration and to deal with any suspected or alleged cases of malpractice and maladministration
Applicable to:	FDQ End point Assessment Organisation (EPAO) (referred to as and Awarding Organisation for Ofqual purposes). FDQ Committees and sub-committees; senior officers within FDQ; personnel and external contractors involved in the design, development and award of FDQ End point assessment (EPA) products.
Accountability:	FDQ Governance Committee
Responsibility:	FDQ CE/RO
Effective from:	01/01/2019
Links to regulatory requirements	Ofqual General Conditions of Recognition: A8 Ofqual EPA Qualification Level Conditions and Requirements Ifa regulations ESFA Conditions for organisations on the register of end-point assessment organisations:33-41
Related documents:	FDQ documented procedures for investigating malpractice or maladministration; Incident Log.

Introduction

1. FDQ aims to provide high quality end point assessment (EPA) assessment products to all its apprentices and therefore takes all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development and delivery of its products. If any malpractice or maladministration is suspected or alleged and there are reasonable grounds for the suspicion or allegation, FDQ will investigate to establish whether or not malpractice or maladministration has taken place. If it has,

FDQ will take all reasonable steps to prevent any adverse effect or where it does occur, mitigate it as far as possible.

3. Where malpractice or maladministration is shown to have taken place in the development or delivery of FDQ EPA assessment products, its processes will aim to prevent this recurring. FDQ will also take action commensurate with the gravity and scope of the occurrence against those responsible; for staff or contractors, this will be governed by FDQ's disciplinary and contractual procedures.
4. For the purposes of this policy and in accordance with the Regulators' Conditions:
 - a) Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates – it also covers misconduct.
 - b) Maladministration is any activity or practice which results in non-compliance with regulations, including cases of persistent mistakes or poor administration.

Prevention of malpractice and maladministration

5. FDQ has systems and procedures in place covering the development and delivery of its assessment products. These have been specified in such a way that malpractice and maladministration should be prevented and so need to be carefully implemented at all times.
3. Organisations, including training providers and employers that deliver part of an EPA, including marking or not, must be approved as a FDQ centre. The organisation FDQ approved centre, must adhere to FDQ's centre requirements including a written and enforceable agreement. Centres must also be aware of FDQ's malpractice and maladministration policy. They are also required to have their own policies to prevent the occurrence of malpractice and maladministration and to deal with it should it occur. To this end, FDQ has a malpractice and maladministration policy which is included in its Centre Handbook and centres must have malpractice and maladministration policies that are checked at centre approval and during on-going quality assurance. FDQ will offer further guidance on requests from any centre, as how best to prevent, investigate and deal with malpractice and/or maladministration.
4. Training providers and employers, engaging with FDQ as an End Point Assessment Organisation (EPAO) that do not deliver any part of an EPA do not need to become an FDQ approved centre. They are however advised to be fully be aware of FDQ's malpractice and maladministration policy, as published on FDQ website. They are

also advised to have their own policies to prevent the occurrence of malpractice and maladministration and to deal with it should it occur.

FDQ will offer further guidance on requests from any employer or training provider, as how best to prevent, investigate and deal with malpractice and/or maladministration.

5. The categories listed below are examples of malpractice. These examples are not exhaustive and are only intended as guidance on the definition of malpractice:
 - a) Falsification of EPA gateway requirements
 - b) The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
 - c) Intentional withholding of information from FDQ which is critical to maintaining the rigour of quality assurance and standards of its assessment products
 - d) Deliberate misuse of FDQ's logo and trademarks or misrepresentation of a training provider/employer's relationship with FDQ and/or its recognition and approval status
 - e) Forgery of evidence
 - f) Collusion or permitting collusion in exams and assessments
 - g) Contravention by a training provider/employer or apprentice(s) of the assessment arrangements specified for FDQ EPA assessment including logbook or supplementary evidence requirements.
 - h) Plagiarism of any nature by apprentices
 - i) Undeclared conflict of interest
 - j) Unauthorised amendment, copying or distributing of exam papers
 - k) Inappropriate assistance to apprentices by centre staff (e.g. unfairly helping them to complete a logbook or provide supplementary evidence)
 - l) Submission of false information
 - m) Deliberate failure to adhere to the requirements of FDQ's reasonable adjustments and special consideration policy.
6. Where malpractice or maladministration is suspected or has been alleged, FDQ will carry out an investigation. If an employer/training provider has discovered irregularities, it may be appropriate for its staff to undertake the initial investigation after reporting the matter to FDQ and under its direction.

7. Whenever malpractice or maladministration is suspected or alleged, there is the potential for an adverse effect to occur. In order to ensure that these are recorded and dealt with in a consistent manner, the Incident Log (included in FDQ process documents) should be completed. This will include, inter alia, notes of any investigation that has taken place, where records are held, informing relevant EPA regulators if applicable and all actions taken. The Log should be completed for all allegations even if no action is taken so that there is an opportunity for cross-referencing if further evidence comes to light.

Dealing with malpractice and maladministration

8. If FDQ establishes that malpractice or maladministration has occurred, it will take appropriate and immediate action against those responsible to prevent it from recurring. If the issue is with a member of staff or a contractor, appropriate disciplinary procedures will be instigated.

If an employer/training provider that is not an FDQ centre, appropriate actions will be taken until such time as FDQ is satisfied that appropriate corrective measures have been taken, measures could include suspension of apprentice EPA registrations.

6. If an FDQ approved centre the FDQ Sanctions Policy will come into force and one or more of the following actions will be taken until such time as FDQ is satisfied that appropriate corrective measures have been taken:
 - a) Compulsory approval of assessment tasks and activities
 - b) An increased level of monitoring activities
 - c) A suspension of apprentice registrations
 - d) Suspension or withdrawal of centre approval.

9. FDQ will promptly notify the regulator when it believes an event has occurred or is likely to occur which could have an adverse effect on an EPA assessment including disadvantaging an apprentice or adversely affecting EPA compliance, standards or public confidence in the EPA qualification. Any notification would also include any actions used to correct or mitigate the adverse effect.

Any centre, training provider, employer, FDQ approved centre or awarding organisation that is or may be affected will also be notified.

Monitoring malpractice and maladministration

10. FDQ will ensure that:

- a) Records of actual or suspected cases of malpractice and maladministration, along with details of any actions taken, are maintained and reviewed on a regular basis by the S&QG
- b) Records are used to identify broader issues or themes that may emerge over time and to recommend appropriate corrective actions that might need to be taken
- c) Reports are made to the FDQ Governance Committee on a regular basis and as part of the self-evaluation procedure
- d) Guidance from the Regulators is reviewed and the policy is update to comply with best practice
- e) Information from monitoring activities will be made available to the Regulators on request.