

Investigations Policy

Introduction

This policy sets out how FDQ will take forward actions in response to an allegation of suspected malpractice or maladministration and the subsequent investigation relating to the assessment or the quality assurance of the assessment process provided at FDQ centres. It applies to all of FDQ's assessment products.

This policy should be read and applied in conjunction with the FDQ's Malpractice and Maladministration Policies, Whistleblowing Policy and FDQ Whistleblowing Guidance to Centres.

FDQ is unable to respond or investigate actions relating to employment disputes in FDQ centres. Similarly, FDQ is unable to respond or investigate allegations relating to the quality of teaching, learning or training, or about provision of the agreement between a FDQ centre and a learner/apprentice, or between a FDQ centre and a staff member or contractor. All complaints and allegations concerning employment disputes and provision of training should be referred to centre management.

Definitions

For the purposes of this policy, FDQ defines Malpractice and Maladministration in accordance with the General Conditions of Recognition:

- 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 within a centre.

Purpose

The purpose of this policy is to set out the circumstances in which FDQ will carry out an investigation and to provide information to those preparing to make an allegation of malpractice or maladministration. FDQ centres should also refer to the FDQ Centre Handbook and FDQ Whistleblowing Guidance to Centres. Any member of centre staff, learner/apprentice or member of the public who suspects assessment malpractice or maladministration should contact FDQ:

- email fdq@fdq.org.uk
- telephone 0113 859 1266

FDQ reserves the right to amend this policy at any time to reflect changes in regulation or legislation. The policy will be reviewed in line with the continuous improvement of FDQ quality policies and procedures.

Making an allegation

This applies to those wishing to disclose information relating to malpractice and maladministration in the assessment or quality assurance of FDQ assessment products. Those who have information to disclose may consider raising the matter with a senior staff member within a FDQ centre providing the assessment products, in accordance with the centre's whistleblowing policy. If the matter has already been raised internally but the matter has not been satisfactorily addressed or if an individual feels unable to raise matters internally, then a disclosure should be raised with FDQ.

FDQ should be provided with as much evidence as possible to support any disclosure. Each disclosure will be considered professionally, with appropriate care and sensitivity, and appropriate action will be taken. FDQ advises that any disclosure is made promptly as it is more difficult to retrieve and authenticate documentation supporting the disclosure where a considerable amount of time has elapsed.

In any disclosure FDQ will endeavour to keep a complainant's identity confidential where asked to do so. Complainants may be identifiable by others due to the circumstances of the

disclosure. FDQ cannot guarantee confidentiality as a complainant's identity may need to be disclosed to:

- Third parties involved in investigation
- Police, fraud prevention agencies or other law enforcement agencies
- Courts
- Other persons to whom FDQ is legally required to disclose identity.

Individuals who are concerned about being identified should discuss their concerns at the time of disclosure. Anonymous disclosures will be considered but it may not always be possible to investigate them.

Investigating an allegation

FDQ utilises a range of investigative methods and will apply the most appropriate for the circumstances involved. FDQ will only investigate allegations from anonymous sources where there is sufficient information to support a sound and credible investigation and/or adequate information is available to clearly identify the assessment product(s) which the allegation implicates. An investigation will be stopped if at any stage the:

- investigation could prejudice a potential criminal or civil proceeding
- complainant makes any public statements during the investigation that could prejudice the outcome of the investigation or potential criminal or civil proceedings, this includes the complainant discussing the investigation with the centre or learners/apprentices involved during the investigation process

FDQ will not make any public statements during an investigation other than to confirm that an investigation is being conducted.

FDQ will normally ensure that where interviews are carried out as part of an investigation, individuals will be interviewed by two interviewers, where one is primarily in a recording role. FDQ will ensure that learners/apprentices under the age of 18 will be accompanied by an appropriate and mutually agreed adult. Understandably, complainants may be personally involved in or affected by the matter they have disclosed to FDQ. However, in order for FDQ

to carry out investigations, complainants must allow FDQ a reasonable time in which to carry out and complete the required work.

FDQ will not normally inform a complainant about the outcome of an investigation. When investigating allegations, all individuals involved in an investigation are expected to cooperate and provide appropriate evidence and information on request. Some investigations require original paper-based evidence. These original records will normally be photocopied and the copy recorded and signed as authentic. FDQ will give receipts for any original documentation provided during an investigation which has to be retained by FDQ for any reason.

FDQ will aim to complete an investigation in the shortest possible time. An individual's or centre's ability to provide all the information requested as quickly as possible will help to ensure this aim is met.

Vexatious behaviour or correspondence

Where FDQ receive abusive communication from complainants or persistent and repeated contacts from complainants, staff may be advised to withdraw their engagement with complainants. FDQ will consider behaviour or correspondence as vexatious where a complainant persistently and repeatedly contacts FDQ with no new evidence or information to bring to the investigation or corresponds with FDQ in an abusive manner.

FDQ deems the following types of behaviour and correspondence as vexatious and will take the following actions described below:

- Being abusive or threatening either during a telephone conversation, a face to face meeting or in writing. The complainant will be referred to a FDQ senior manager who will contact the complainant to state that all communication will cease if the complainant continues to communicate in such a manner
- Repeated contact with FDQ either via telephone or email in a given working day without offering new evidence or information. FDQ shall send a letter or email to the complainant, together with a copy of this document, explaining that further contact of this nature will not be responded to

- Making unreasonable demands on FDQ beyond the remit of the investigation. FDQ will send a letter or email to the complainant reiterating the remit of the investigation
- Making accusatory comments about FDQ, the staff managing the investigation or the investigators. The complainant will be referred to a senior manager at FDQ, who will contact the complainant to state that all communication will cease if the complainant continues to communicate in such a manner

Investigators

Investigators appointed by FDQ will be required to declare any conflict of interest with their role as an FDQ investigator. If a conflict is declared a more suitable alternative will be appointed.

FDQs' investigators will uphold the following principles in carrying out investigations:

1. Expertise

Investigators will have the necessary experience, skills and knowledge to conduct an investigation. They will maintain their expertise using continuous professional development and ensure that it is applied thoroughly in every aspect of their work.

2. Objectivity

Investigators will undertake all work with an open mind and, in particular, ensure that any evidence or information obtained is reviewed without preconceptions.

Consideration will be given to all interpretations that may be placed on such evidence or information.

3. Fairness

Investigators will act in a courteous, polite and considerate manner, and will conduct all work applying proper standards of fairness and without discrimination. They will maintain a high level of awareness of the context in which centre staff operate, of their feelings and reactions to the investigation process and of the approach and impact of the investigators themselves. Investigation reports will be fair and evidence based.

4. Integrity

Investigators will work honestly and accurately and will meet the highest standards of propriety and integrity. They will respect the confidentiality and source of any information handled as part of the investigation.

5. Professionalism

Investigators will have a clear brief and understanding of their role and will maintain the highest standards of professionalism with regard to their personal conduct and the investigative activities they undertake. Investigators will act responsibly and treat those participating in an investigation with respect, engage them in professional dialogue and provide feedback in a constructive manner.