



**Accelerate
People**

Malpractice and Maladministration Policy

Welcome to Accelerate

Classification: Public

Version History		
Version	Date Amended	Changes Made
1	June 2021	Covered in other policies but further detail required so created as a separate document.
1.1	June 2023	Updated in line with roles and processes and annual review.
2	Feb 2024	Updated to include IfATE use of Artificial Intelligence (AI) in EPA guidance
3	Sept 2024	Annual review, added document classification and rebranding

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1. Purpose

The purpose of the policy is to ensure that Accelerate People and its employees are able to understand their responsibilities and can identify instances of suspected or actual maladministration or malpractice during the delivery of End-point assessment (EPA) services and be clear on the process for reporting and managing such instances. This policy should be read in conjunction with Accelerate People's equality, diversity & inclusion policy, and employee equality & diversity policy.

2. What is Malpractice & Maladministration

All employees of Accelerate People must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of EPA, which Accelerate People makes available or proposes to make available, this will include adhering to the conflict-of-interest policy and process and all employees signing a Non-disclosure agreement (NDA).

Definition of Malpractice

The terms "malpractice" and "maladministration" are not defined in Ofqual's General Conditions of Recognition and are given their ordinary meaning in English.

Malpractice is taken to mean any deliberate act, default or practice that compromises the development, delivery, award, and integrity of EPA, including the reputation and credibility of Accelerate People.

Malpractice will often be demonstrated by individuals acting in a way that is in direct contradiction to rules, regulations or in an attempt to gain an unfair advantage and that an informed and reasonable observer would conclude was dishonest in nature.

Definition of Maladministration

Maladministration includes any actions, neglect, default, or other practice that compromises the development, delivery, award, and integrity of EPA, including the reputation and credibility of Accelerate People.

Maladministration will often be demonstrated by individuals not following the correct process or procedures or applying them inefficiently either purposefully or through negligence.

All contracted employees have a responsibility to ensure that instances of malpractice and maladministration do not occur. Employees can do this in several ways:

- By following policies, practices and/or procedures that reduce the risk of malpractice and maladministration.
- By being proactive in identifying, capturing, recording, and addressing all suspicions and evidence of malpractice.

3. Examples of Malpractice & Maladministration

The examples below are not exhaustive and if you are unsure on whether something is classed as malpractice or maladministration, please contact the Compliance team at Accelerate People via (compliance@accelerate-people.co.uk).

Examples of Malpractice:

- Breaching EPA requirements.
- Bribery.
- Failure to declare gifts.
- Failure to declare a conflict of interest.
- Disclosure of any EPA materials for financial gain or to a non-authorized third party.
- Provide a false declaration of authenticity of EPA evidence.
- Undertaking the EPA on behalf of someone else.
- Plagiarism.
- Deliberate conflict of interest which compromises the integrity of the EPA.
- 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 learners to answer assessment questions or producing assessment evidence.
- Deliberate destruction or tampering with work or assessment records.
- Intentionally accessing or trying to access and share confidential assessment material.
- Use of unauthorised material or devices during the assessment.
- The misuse of Artificial Intelligence (AI) in EPA to produce projects, reports, presentations, artefacts.
- Anyone failing to cooperate with an investigation or act as requested by Accelerate People.

Examples of Maladministration:

- Failure to maintain accurate records about EPA.
- Failure to follow Accelerate People's agreed processes and procedures.
- Failure to deliver an EPA in accordance with the published assessment plan.

Examples of malpractice and maladministration could occur in any areas of the business:

- **Operations** - reviewing and processing EPA gateway requests, scheduling EPA methods and processing customer enquiries.
- **Moderation** - undertaking quality and compliance checks against the requirements of an apprenticeship standard assessment plan or Ofqual general conditions of recognition.

- **Independent assessors** - carrying out, assessment and grading of EPA, being aware at all times of the opportunity for fraudulent behavior to occur, e.g., plagiarism or collusion.
- **Product** - in the design, development and delivery of EPA methodology and testing, and security of assessment.
- **Customer engagement** - when working with stakeholders, maintaining the confidentiality of assessment materials, and protecting the integrity of EPA.
- **Compliance** - in the carrying out of investigation or auditing the business to ensure compliance with policies, procedures, and practices and the Ofqual general conditions of recognition.
- **Governing body** - setting strategy, recruitment, DBS, competence, malpractice / maladministration, assessing business risk and operations.

Examples of malpractice and maladministration could occur in any area when working with external stakeholders:

- **Learners** - when providing information, confirming identity, making declarations or when submitting evidence and non-compliance with EPA method conditions.
- **Training providers** - when providing information, making declarations, or submitting learners' evidence.
- **Employers** - when providing information, making declarations, or providing witness testimony for learners EPA evidence.

4. Use of Artificial Intelligence (AI) in EPA

- Where AI has been used as part of the apprentice's day-to-day work and forms part of a project report, presentation, or artefact, it should be referenced as such within the work. AI must not be used to produce the report or portfolio.
- Where AI has been used as part of a portfolio that underpins an interview or professional discussion or any other assessment method, it should be fully referenced within the portfolio.
- EPA must be carried out in accordance with the EPA plan and any project reports, presentations, artefacts etc must be the apprentice's own work.

Reference: Guidance from the Institute for Apprenticeships & technical Education (IfATE) website:

<https://www.instituteforapprenticeships.org/developing-new-apprenticeships/developing-an-end-point-assessment-plan/> (section 4)

5. How to Report Suspected Malpractice and Maladministration

Within 1 working day of the identification of suspected maladministration or malpractice, the incident must be reported to the Responsible Officer (compliance@accelerate-people.co.uk).
Information which is required:

- The date of the alleged or suspected maladministration or malpractice.
- Contact details.

- The people involved.
- The details of the alleged or actual maladministration or malpractice.

Where a notification is received regarding a grading decision and instance of malpractice or maladministration then the Responsible Officer will investigate this in line with the enquiries and appeals policies.

Within 10 working days of receipt of the allegation, Accelerate People will investigate the suspected maladministration/malpractice and report back the findings or advise of time scales if further investigation is required.

Any alleged incident of malpractice or maladministration brought to our attention after the issue of certificates may entail the certificates being recalled by the Department for Education (DfE) and declared invalid.

All allegations of suspected maladministration/malpractice will be logged as a risk on the risk register.

6. Investigation into Suspected Malpractice in EPA

As part of the investigation, where Accelerate People establishes that any malpractice or maladministration has occurred in the development, delivery, or award of qualifications which it makes available, or proposes to make available, it will promptly take all reasonable steps to –

- a) prevent that malpractice or maladministration from recurring, and
- b) take action against those responsible which is proportionate to the gravity and scope of the occurrence or seek the cooperation of third parties in taking such action.

Accelerate People will ensure that such investigations are carried out thoroughly, effectively, and by persons of appropriate competence who have no personal interest in the outcome and where there is no conflict of interest.

During the investigation Accelerate People will take all reasonable steps to protect the development, delivery, award, and integrity of the EPA and to prevent, where possible, any adverse effect.

7. Public Interest Disclosure (whistleblowing)

If there are any concerns about raising a suspicion of malpractice or maladministration, then please refer to Accelerate People's whistleblowing policy.

8. Outcomes from the Investigation

If there has been evidence to show that malpractice or maladministration has taken place, then Accelerate People will take appropriate action, and this will be communicated in writing.

Where the outcomes of the investigation are accepted and it has been deemed that no adverse effect has occurred, the incident will be logged on Accelerate People's internal systems and will be closed off. The confirmation that the investigation has been closed, in conjunction with any recommendations for quality improvement, will be provided to those parties involved in writing by the Responsible Officer.

Where an adverse effect has been identified, the Responsible Officer, along with the Senior Officer(s) will apply the appropriate level of action. The actions applied are dependent upon each individual case and the level of risk it imposes on the validity of the EPA.

Any actions applied will be informed within 10 working days of the investigation report submission. An action plan with specific deadline dates for completion may be provided.

Failure to comply with the actions will result in further sanctions being applied in line with our sanctions policy.

Accelerate People have a regulatory obligation to notify Ofqual of the outcomes to an investigation. Under general condition A8.7b, we are also obliged to notify other Awarding Organisations that may be at risk of an adverse effect as a result of the investigation outcome.

9. Monitoring and Review

This policy will be reviewed on an annual basis and, where appropriate, results from internal and external monitoring arrangements, amendments in internal procedures, IfATE, Department for Education (DfE), and Ofqual actions or where developments in legislation occur.



Accelerate People