



<b>Document title</b>	EPAO Malpractice and Maladministration Procedure
<b>Document category</b>	Procedure
<b>Version number</b>	1.0
<b>Status</b>	Approved
<b>Reason for development</b>	To provide Awarding UK-specific context to the BGU Malpractice and Maladministration Policy
<b>Scope</b>	Applicable to EPAO staff and apprentices undertaking End-Point Assessment delivered by Awarding UK
<b>Author / developer</b>	EPAO Manager
<b>Owner</b>	EPAO Manager
<b>Authorised by</b>	Reviewed by Quality Assurance Committee
<b>Date authorised</b>	16 June 2020
<b>Effective from</b>	16 June 2020
<b>Review due</b>	June 2021
<b>Document location</b>	University website, SharePoint
<b>Document dissemination / communications plan</b>	Included in staff training for EPAO team Links in customer handbooks
<b>Document control</b>	All printed versions of this document are classified as uncontrolled. A controlled version is available from the EPAO SharePoint.



## EPAO Malpractice and Maladministration Procedure

### 1. Purpose of this procedure

Awarding UK is the end-point assessment service based within Bishop Grosseteste University (BGU).

This procedure provides End-Point Assessment (EPA) specific context for the BGU Malpractice and Maladministration Policy and should be read in conjunction with that policy. Referral should also be made to the BGU Code of Practice for Academic Misconduct, in the case of allegations of Learner malpractice or maladministration, and the BGU Disciplinary Policy, in the case of allegations of malpractice or maladministration by Awarding UK staff.

### 2. Definitions and examples

As defined in the BGU Malpractice and Maladministration Policy:

Malpractice refers to any deliberate act or practice which compromises, or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

Examples of malpractice by either Learners or staff can be found in paras 7 to 9 of the BGU Malpractice and Maladministration Policy.

### 3. Procedure for the Investigation and Determination of Allegations of Learner EPA Malpractice and Maladministration

This procedure follows the BGU Malpractice and Maladministration Policy and the BGU Code of Practice for Academic Misconduct. The flowchart in Annex A demonstrates who is involved at each stage.

Anyone involved in the EPA of a Learner may raise a concern of malpractice or maladministration. This could include a concern raised by the Assessor, the Internal Quality Assurer (IQA), the External Quality Assurer (EQA) or the Learner's Employer or Training Provider. Allegations of suspected Learner malpractice should be made to the Awarding UK Assurance and Delivery Officer.

The Assurance and Delivery Officer will begin the investigation process by notifying the Learner in writing of the allegation and inviting them to a meeting at which the allegation and any supporting evidence will be presented, and the Learner invited to comment on the allegation.

A copy of this letter will also be sent to the Learner's Employer. The Learner will be given the opportunity for someone to attend the meeting with them to provide support if they wish. In all cases, Awarding UK will ensure that the Learner understands the allegations against them, that they have the



opportunity to present their case and respond to the allegations, that they have sufficient notice of all meetings, that all relevant information is supplied to them in advance, and that they are fully aware of the appeals process.

After the initial meeting, the Assurance and Delivery Officer will review all of the evidence and determine whether or not there is a case for the Learner to answer. They will then provide the Learner and Employer with written minutes of the meeting, and inform them and the EPAO Manager of the decision.

If it is decided that there is case to answer, the External Quality Assurer (EQA) will also be notified, in line with Education and Skills Funding Agency (ESFA) and EQA regulations and procedures.

At this stage a review panel will be convened, consisting of three of the following, or their nominated deputies:

- BGU EPAO Responsible Officer;
- BGU EPAO Manager;
- BGU EPAO Assurance and Delivery Officer;
- BGU EPAO Business Development Officer;
- BGU Registrar and Secretary;
- BGU Head of Quality and Compliance;
- BGU Dean of Faculty;
- BGU Pro Vice-Chancellor (Students);
- BGU Deputy Vice Chancellor.

Two out of the three panel members must be independent, having no involvement with the operational delivery of Awarding UK. The third panel member must be someone who understands the EPA process, but who has not been involved with the EPA for the Learner.

The Learner will be informed of the date, time and venue of the panel, and will be offered the opportunity to attend and present their case. The Learner is entitled to be accompanied by one other person, such as a peer, family member or friend – but not a legal representative – at the panel review. If the Learner wishes to be accompanied then all parties should inform the Awarding UK Administration Officer at least 5 working days prior to the panel meeting date, providing the name of the accompanying person. The person accompanying may advise the Learner, but is not permitted to speak on their behalf.

Awarding UK will reasonably endeavour to conclude a panel review within a period of 30 working days. In the event this will take longer, an anticipated completion date will be communicated to the Learner and Employer in writing at the earliest opportunity in the process.

The panel will review the evidence presented and determine whether they believe a case of malpractice should be upheld. Consideration will be given to whether maladministration was committed inadvertently.

If the allegation is upheld by the panel, the Assurance and Delivery Officer will consult with the EPAO Manager, and EPAO Responsible Officer if required, in order to determine the actions that will be taken. Guidance will also be taken from the EQA guidance.

The Assurance and Delivery Officer will write to the Learner and their Employer confirming the outcome of the panel review, and any resulting action to be taken.

#### **4. Possible Actions taken by Awarding UK**

If a case of Learner malpractice or maladministration is upheld, Awarding UK reserves the right to cancel all outstanding EPA activity relating to that Learner, and to register all relevant assessment outcomes as a fail. Guidance will be taken from the EQA in order to determine the specific actions which may be taken.

#### **5. Learner Appeals**

A Learner may appeal the outcome of a malpractice investigation, following the procedure detailed in the Awarding UK EPAO Appeals Policy and Procedure.

#### **6. Procedure for the Investigation and Determination of Allegations of Awarding UK Staff EPA Malpractice or Maladministration**

This procedure follows the BGU Malpractice and Maladministration Policy and the BGU Disciplinary Policy. The flowchart in Annex B demonstrates who is involved at each stage.

Anyone involved in the EPA of a Learner may raise a concern of malpractice or maladministration against a member of Awarding UK staff. This could include a concern raised by the Learner, the Assessor, the Internal Quality Assurer (IQA), the External Quality Assurer (EQA) or the Learner's Employer or Training Provider.

Allegations of suspected staff malpractice or maladministration should be made to the staff member's line manager. For Assessors and IQAs, this will be the Assurance and Delivery Officer. For other members of staff this will be the EPAO Manager. If the allegation is regarding the EPAO Manager, it should be reported to the EPAO Responsible Officer.

In line with the BGU Disciplinary Policy, the line manager will carry out an initial, informal investigation, making HR fully aware that an allegation has been made. If it is found there is an allegation to answer, formal HR proceedings as described in the BGU Disciplinary Policy, including possible actions, and the appeals process, will be followed.

#### **7. Allegations or suspicions of malpractice or maladministration by a Learner's Employer or Training Provider**

All allegations or suspicions of malpractice or maladministration on the part of a Learner's Employer or Training Provider will be passed immediately to the EQA for guidance and investigation.



