



Malpractice and Maladministration Policy

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Document Control Information

Document Details	
Document Name	Malpractice and Maladministration Policy
Purpose of Document	<p>This policy outlines the actions that could bring the integrity of FutureQuals qualifications into question, the practices that constitute malpractice and maladministration and sets out the procedures that should be followed to manage and mitigate suspected occurrences.</p> <p>It sets out the process to be followed when reporting suspected or actual cases of malpractice and/or maladministration and who is responsible for dealing with such cases.</p> <p>It also sets out how FutureQuals will review the circumstances which led to the suspected or actual cases of malpractice and support any investigations.</p>
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Version History		
Version Number	Date Approved	Change/Reasons for Change/Comments
V May 2017	February 2017	Malpractice and Maladministration Policy amended to include malpractice in the delivery and award of Functional Skills qualifications and assessments and allegations involving FutureQuals staff and contractors. Amendments made to the FutureQuals internal decision making process following receipt of an allegation

		and report, membership of the Malpractice Panel and the inclusion of terms of Reference for the Panel.
V September 2017	September 2017	Malpractice Policy amended to reflect that a centre must submit its investigation report to FutureQuals within 10 working days of being given permission to undertake the investigation

Introduction to FutureQuals

FutureQuals is forward thinking, learner and customer-focussed, and committed to delivering inspiring learning and skills.

Our Values

“We are a Visionary, Supportive, Innovative and Professional Awarding Organisation that is committed to excellence”.

Our Vision

“We envisage a place in which every learner realises their full potential”

Our Mission

“To provide respected and valued qualifications and assessment to enable quality assured learning”

FutureQuals is recognised to deliver regulated qualifications by Ofqual in England, CCEA Regulation in Northern Ireland, the Scottish Qualifications Authority (SQA Accreditation) and Qualifications Wales to offer a comprehensive and diverse range of qualifications across a wide range of vocational areas many of which are transferable across industries and sectors.

A full list of FutureQuals current qualifications can be accessed at <http://www.futurequalsquals.com>

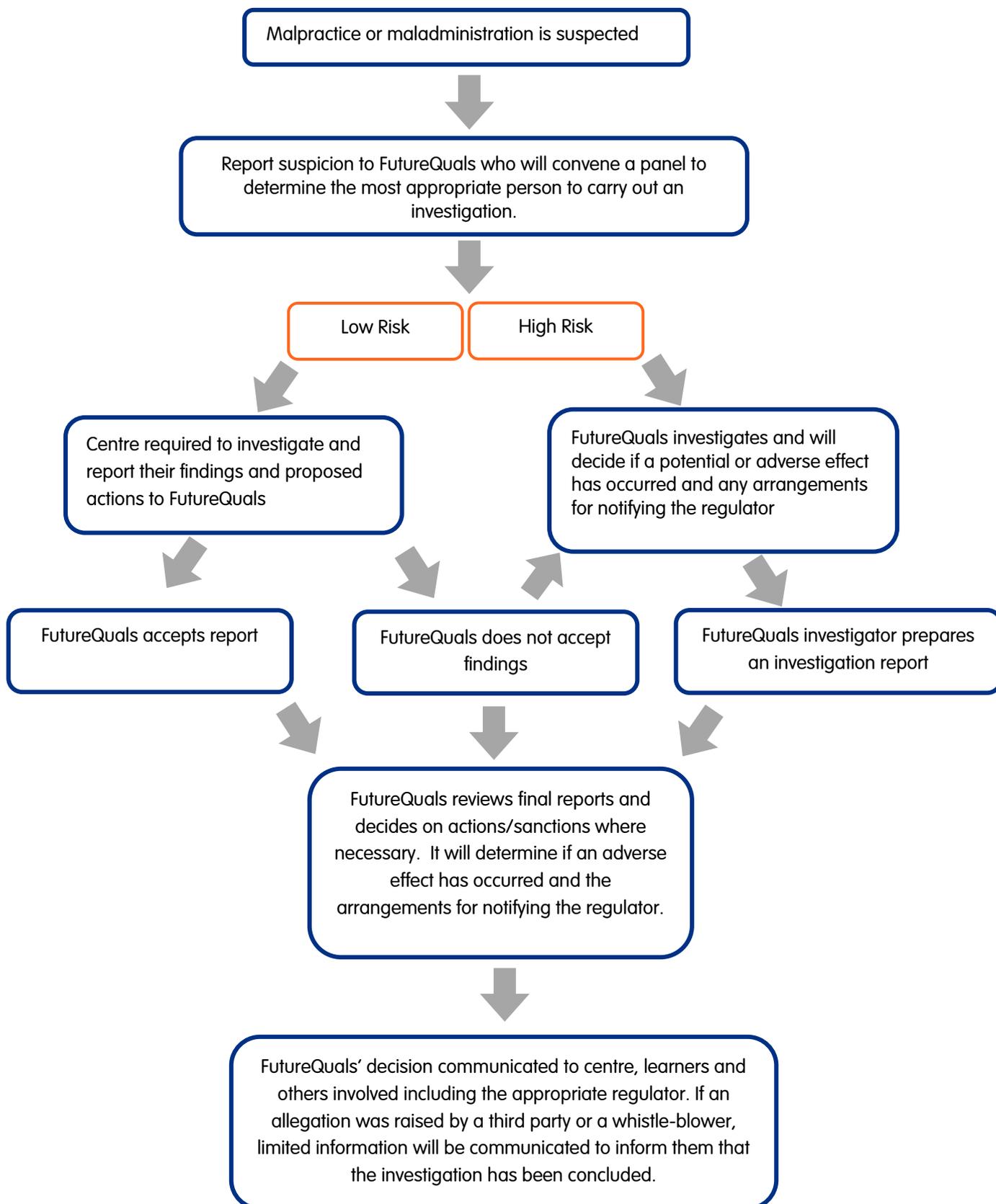
We have developed a genuine understanding and insight into all types of educational organisations, which ensures that we are highly responsive to their needs. We offer a wide range of benefits and support for our learners, our approved centres, and their assessment and quality assurance teams.

FutureQuals offers a wide range of benefits and support for all of our educational products and services including:

- Vocational qualifications accredited by the UK regulators and recognised by employers, universities and professional bodies
- 24/7 online management systems for the registration of learners, ensuring highly efficient services and access to assessment and results.
- A diverse range of qualifications
- A flexible approach to assessment
- A network of professionals who examine and quality assure our regulated qualifications and assessments
- Regular updates on new developments in education and training
- Unrivalled customer service support and extensive guidance materials

Malpractice and Maladministration Process Summary

The detailed procedure for dealing with malpractice and maladministration is laid out in this policy, but for ease of understanding it is shown diagrammatically below. Please see the rest of the policy for full details of what must be done when malpractice or maladministration is suspected.



Overview of the policy

Scope of the policy

This policy applies to all centres offering FutureQuals regulated qualifications. Centres must ensure that its staff, contractors and learners are familiar with its contents and FutureQuals requirements.

Purpose of the policy

As a regulated awarding organisation, FutureQuals is required to take reasonable steps to prevent the occurrence of malpractice and maladministration. We will act on all reports and allegations of suspected or actual malpractice incidents received which may affect the integrity of our qualifications and quality assurance systems.

This policy outlines the actions that could bring the integrity of FutureQuals qualifications into question, the practices that constitute malpractice and maladministration and sets out the procedures that should be followed to manage and mitigate suspected occurrences.

It also sets out the process to be followed when reporting suspected or actual cases of malpractice and/or maladministration and who is responsible for dealing with such cases. It also sets out how FutureQuals will review the circumstances which led to the suspected or actual cases of malpractice and support any investigations.

For the purposes of this policy, the term Head of Centre refers to the individual at an approved centre that is responsible to FutureQuals for ensuring that qualifications are delivered and assessed in line with our requirements.

Location and Communication of the Policy

This policy can be downloaded from our website www.futurequals.com, requested from Customer Support on 01530 836662, or by emailing info@futurequals.com.

It is important that personnel involved in the management, assessment and quality assurance of FutureQuals qualifications and learners are fully aware of the contents of the policy. The allocated External Quality Assurer will check that the centre is aware of its contents and purpose as part of his/her regular quality assurance activities.

Centre Requirements

Each Centre is required to have in place a process for preventing and investigating malpractice and maladministration. External Quality Assurers will report on a centre's malpractice and maladministration arrangements at each centre visit.

Definitions

Malpractice

Malpractice is defined by FutureQuals as any act or activity of improper practice and includes maladministration, misconduct, plagiarism and collusion whether deliberate or unintentional. Malpractice is any activity, practice or omission which deliberately contravenes regulations and compromises the:

- integrity of a regulated qualification
- internal assessment process including Functional Skills controlled assessments
- external assessment and examination process including Functional Skills paper based and online invigilated tests
- validity of results or certificates.
- reputation and credibility of FutureQuals

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are guidance on FutureQuals' definition of malpractice:

- Contravention of our centre and qualification approval conditions.
- Failure to satisfactorily implement conditions of approval within stated timelines.
- Inadequate centre procedures for the induction of staff or any contracted person involved in the delivery of qualifications
- Failure to provide learners and staff, including contractors, with the knowledge of their responsibilities through policies and procedures that includes the possible consequences of non-compliance, how malpractice can occur and be prevented
- Failure to review systems, policies and procedures to ensure they remain fit for purpose
- Centre postponement of visits by our External Quality Assurer for more than 6 months.
- Denial of access to resources (premises, records, information, learners and staff) by any authorised FutureQuals representative and/or qualifications regulators.
- Failure to carry out delivery, internal assessment, internal moderation or internal quality assurance in accordance with our requirements.
- Failure to conduct assessments or other external assessment according to FutureQuals' procedures or regulations.
- Inaccurate recording of learner assessment decisions leading to invalid claims for certification
- Fraudulent claim for certificates.
- Submission of false information to gain a qualification.
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance.
- Deliberate misuse of our logo and other trademarks.
- Deliberate falsification, fabrication or forgery of assessment evidence, records or authentication statements by centres or learners
- Failure to retain accurate learner assessment decision for the specified timescale
- Plagiarism of any nature by learners.
- Any form of impersonation or cheating to gain an improper advantage
- Collusion by learners i.e. allowing another learner to copy work or the unsanctioned collaboration between a learner or another individual in the production of work that would be submitted
- Deliberate destruction of another's work.
- Obtaining examination or assessment material without authorisation
- introduction of unauthorised material into an exam room, for example notes, study guides, own blank paper, personal stereos, mobile phones and other similar electronic devices
- obtaining, receiving, exchanging or passing on information during an examination (or the attempt to) by means of talking, using written notes, electronic devices or non-verbal communication
- copying from another learner, or knowingly allowing another student to copy from their own work
- Failure to follow a centres own malpractice and maladministration policy and/or report occurrences to FutureQuals
- Tampering with learner's scripts or assessed work after collection

- Improper assistance to learners in the production of assessed work
- Poor invigilation of learners during online, paper based or controlled assessments including Functional Skills tests and assessments
- Failing to keep Functional Skills assessment or test papers secure prior to assessment

Maladministration

Maladministration is defined as any activity, practice or omission which results in centre or learner non-compliance with regulations and requirements. It includes cases of persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

What to do when a case of suspected or actual malpractice is identified

Anyone involved in the assessment process that has had an instance of alleged malpractice/maladministration brought to their attention or anyone that suspects malpractice or maladministration has occurred, must report it immediately to FutureQuals Head of Quality. Contact details can be found at the rear of this policy.

We will accept any written report, letter or email that sets out the details of the alleged malpractice and/or maladministration. The communication must be sufficiently detailed and include any evidence that supports the allegation to enable an investigation to commence. FutureQuals also has a malpractice/maladministration report document, form reference M1, which can be found in Appendix 1 at the rear of this policy.

Please ensure that the following information is included in any correspondence;

- Centre Name, Centre Address and Number
- Reporting Person's Name, Position and Address and telephone number (if different from above)
- Learners Name(s) and Registration Number(s) of those affected or involved
- Individuals involved
- Qualification Details
- The details of the alleged malpractice/maladministration including Dates, Times and Locations
- Details of any internal investigation and findings that have taken place.

You should make it known in your notification whether you wish to remain anonymous. Every reasonable effort will be made to protect the identity of the person making the report provided this does not prejudice any investigation.

Please refer to the FutureQuals Public Interest Disclosure (Whistle-blowing) Policy which can be found on the FutureQuals website if you wish to protect your identity.

FutureQuals will acknowledge all reports and notifications within 2 working days and review them within 5 working days. The review will assess the situation and decide whether an initial centre investigation is appropriate or whether FutureQuals needs to immediately carry out a full investigation.

If a centre investigation is permitted, the investigations report form must be returned to FutureQuals to evaluate its contents. The report form reference M2 can be found in Appendix 1 at the rear of this policy.

Centres should note that sanctions may be imposed whilst the investigation is carried out to protect both learners and the integrity of FutureQuals qualifications. This may include restrictions on centres registering and/or certificating learners.

General Process for the investigation of suspected or actual cases of malpractice

Malpractice may be detected in a number of ways. For example:

- By a centre tutor, assessor, invigilator, Internal Quality Assurer or other member of centre staff or a contractor
- By a FutureQuals External Quality Assurer or other member of staff involved in the quality assurance process or through other visits made to the centre
- Allegations made to FutureQuals verbally or in writing that have been made openly or anonymously

Allegations that have been made to FutureQuals or to a centre may come from a learner, third party or other interested party. The allegation may be made by an individual that has identified or witnessed something personally or that has been made aware of something through a third party by word of mouth. It may be something that has happened or is happening that is inappropriate.

When the Head of Quality receives a notification of potential malpractice or an M1 report form, he/she will notify the Responsible Officer. The Head of Quality and Responsible Officer will review the contents to decide if the issue is to be investigated by the Head of Centre of FutureQuals.

No-one involved in the circumstances surrounding the occurrence may participate in the review or investigation of the allegations.

Each report will risk assessed on an individual basis taking into consideration all the information available:

- If the Head of Centre has been implicated in the allegation,
- The risk rating of the centre,
- Whether the qualification is deemed to be low/medium/high risk
- The nature of the allegation

If the Head of Centre is permitted to conduct an investigation, he/she will be informed. The investigation must be undertaken in line with the guidance that can be found in Appendix 3 of this policy.

If the Head of Centre is not permitted to conduct an investigation, a lead independent investigator will be appointed to undertake the investigation on FutureQuals behalf. The investigator may be a member of FutureQuals staff, an External Quality Assurer or an external consultant that has not been involved in the circumstances of the occurrence and has no interest in the outcome of the investigation.

If an allegation involves fraud or a serious breach of examination security, the investigation will be carried out by FutureQuals in conjunction with the Head of Centre.

Centre Investigation

If a centre is given permission to carry out an internal investigation, it must:

- Ensure that staff leading the investigation are independent of the staff/learners/function being investigated.
- Inform those who are suspected of malpractice/maladministration that they are entitled to know the necessary details of the case and possible outcomes.

- Submit the report and findings of the investigation to FutureQuals within 10 working days of being given permission to carry out the investigation. The investigation report should be submitted with an action plan to deal with the situation and ensure that it does not recur.
- FutureQuals will review the centres report and advise the centre and other relevant parties of the outcome of the investigation within 12 working days of making a decision to accept the report and its decision to impose any resulting actions. The report and any actions decided by FutureQuals will be reported to the centres EQA.

FutureQuals investigation

Where FutureQuals decides, after receipt of a centre investigation report it deemed not to be acceptable, that it will appoint an independent lead investigator to carry out the investigation, it will:

- Ensure that investigators are impartial, have no conflict of interest with the person that raised the allegation or with anyone involved in the allegation and have not been involved in the occurrence/allegation at an earlier stage.
- Aim to action and resolve all investigations within 30 working days of receipt of either the initial report or the report following a centre investigation where this is deemed not acceptable. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances FutureQuals will advise all parties concerned of the likely revised timescale.
- Once the investigation has taken place, the investigator will produce a draft report for relevant parties to check for factual accuracy and any to agree any necessary amendments. FutureQuals will agree the outcome and any necessary actions following receipt of the report.
- FutureQuals will make the final report available to the relevant parties and the qualifications regulators and other external agencies as required. The outcome will be communicated to the centre within 12 working days of making the decision. The report and any actions will also be communicated to the centre EQA. If an independent/third party notified FutureQuals of the suspected or actual case of malpractice, FutureQuals will inform them of that the investigation has been completed.
- In cases where breaches have occurred due to maladministration rather than malpractice, the matter may be referred to the EQA to agree actions to prevent future occurrences.

FutureQuals expects all parties, who are either directly or indirectly involved in the investigation to fully co-operate. In instances where co-operation does not take place it may be necessary to permanently or temporarily remove approval status or withdraw learners from the qualification and inform the qualifications regulators.

If an investigator appointed by FutureQuals carries out a centre visit as part of the investigation, a fee is chargeable for the visit. The current price list is published on the FutureQuals website and is also available from the Customer Support Team.

The rights of individuals with regard to anonymity and the avoidance of discrimination will be upheld. Whistle-blowers are protected by legislation which confirms that they are protected against unfair or damaging treatment regardless of whether the allegation is unfounded. More information about whistle-blowing can be found in the FutureQuals Public Interest Disclosure (Whistle-blowing) Policy which is published on our website.

Action following an investigation.

All decisions with regard to the outcome of any investigation will be made by the FutureQuals Malpractice Panel.

The Panels purpose is to:

- establish whether or not the proper, correct process and procedure have been undertaken during the investigation
- any individual involved has been provided the opportunity to make a written statement
- determine if malpractice has occurred and who is to blame

No-one that that has been involved directly in an investigation, that has an actual or potential conflict of interest or that declares an interest in the outcome of the investigation may be involved in the panel or in the decision-making process.

When reviewing the investigation report and supporting evidence, the Panel will consider if there is sufficient evidence to establish if malpractice has occurred, if measures need to be put in place to ensure the integrity of an examination or assessment and to prevent a reoccurrence. It will also consider the level of any sanction that should be imposed.

When making a decision, the Panel will identify which FutureQuals rule or requirement has been breached, if the evidence and facts of an individual case establishes if a breach has or is likely to have occurred and who is responsible.

If the decision reached is that malpractice has occurred, the panel will determine the level of sanction that will be applied in line with the FutureQuals Sanctions Policy and what action needs to be taken to protect the integrity of a test or assessment and prevent reoccurrence. The level of sanction will be appropriate to the findings of the investigation and the significance of the issues raised.

Decisions will usually be made unanimously but in cases where a unanimous decision cannot be reached, a majority decision will be taken.

The Panel will determine if a potential or actual adverse effect has occurred and if the regulator should be informed, for example if the award of a qualification is invalidated. The definition of an Adverse Effect can be found in Appendix 2 of this policy. In some cases, dependent on the gravity of the effect, FutureQuals will agree the course of remedial action with the regulator.

In cases where qualification certificates are invalidated, FutureQuals will inform the centre why the certificates are invalid and any action to be taken for reassessment and/or certification. FutureQuals will require the centre inform learners of the action being taken and that the original certificates are invalid and must be returned to FutureQuals.

FutureQuals will amend its database to reflect that certificates have been invalidated so that duplicates of the invalid certificates cannot be issued and require the centre to amend its internal records to show that the original awards are invalid.

It is the responsibility of the centre to inform personnel and learners affected of the implications of any sanctions applied.

Where a report of malpractice or maladministration may affect another awarding organisation, FutureQuals will inform the affected awarding organisation.

The FutureQuals Executive Committee will review all investigations into malpractice and maladministration and will ratify the outcome of each investigation. This is to ensure that oversight, consistency of decision making is maintained, and qualifications remain fit for purpose, are accessible to all whilst maintaining standards and quality in implementation.

Communicating the Decision

The Head of Quality will inform the centre in writing of the Malpractice Panel's decision. This will include any actions put in place to mitigate the malpractice or sanctions that have been determined by the Malpractice Panel including any action to be taken against a member of centre staff or a learner.

A copy of this will also be sent to the centres external Quality Assurer (EQA) who will arrange a visit the centre to meet with the Head of Centre and ensure that the actions and mitigation are understood and so that subsequent visits can be arranged to track progress and satisfactory completion of actions.

The EQA will record progress against the action plan on a report that will also identify any specific concerns. The Head of Quality will review the report and determine if the implementation of the plan has been sufficient to remove a sanction or reduce the level of sanction. If the actions or mitigation is not completed, the Head of Quality will consider if a higher sanction as a preventative measure to protect the interests of learners needs to be applied in line with the Sanctions Policy.

The progress, actions and/or mitigations put in place following the outcome of a malpractice case are recorded on a central log, and is reviewed monthly by the Executive Committee.

Review of FutureQuals procedures following confirmed malpractice

If an investigation confirms that malpractice or maladministration has taken place, FutureQuals will review its systems and procedures and make any necessary changes to ensure that appropriate checks are in place to prevent a similar situation recurring.

Appeals against our decision to impose sanctions

If you wish to appeal against our decision to impose sanctions, please refer to the FutureQuals Enquiries About Results and Appeals Policy available www.futurequals.com or on request from Customer Support.

Allegations Involving FutureQuals Staff, Consultants or Contractors

FutureQuals takes positive steps to limit and avoid malpractice by its staff and any third party it contracts or consults with as part of the design, development, delivery and award of its qualifications. We do this in a number of ways, for example with secure administrative systems, employment and contractual procedures, our conflicts of interest process and through regular training and standardisation events.

Where allegations of malpractice and/or maladministration relate to a member of FutureQuals staff, the investigation will be undertaken by the Responsible Officer.

The Responsible Officers investigation report and any action required to protect the integrity and standard of a qualification, test or assessment will be agreed with the Chief Executive Officer. The relevant internal managers informed and the appropriate internal disciplinary procedures implemented in accordance with FutureQuals Internal Disciplinary Policy.

In cases where the allegation relates to the Responsible Officer, the Chief Executive Officer and the Chair of the FutureQuals Governing Body will undertake the investigation and agree any action required to protect the integrity and standard of a qualification, test or assessment. They will also agree on the appropriate internal disciplinary procedures implemented, in accordance with FutureQuals Internal Disciplinary Policy.

In the event that an allegation is against the Chief Executive Officer, the Chair of the FutureQuals Governing Body and the Responsible Officer will undertake the investigation and agree any action required to protect the integrity and standard of a qualification, test or assessment. They will also agree on the appropriate internal disciplinary procedures implemented, in accordance with FutureQuals Internal Disciplinary Policy.

Where allegations of malpractice and/or maladministration relate to a consultant or contractor working for FutureQuals, the investigation will be undertaken by the Responsible Officer.

The Responsible Officers investigation report and any action required to protect the integrity and standard of a qualification, test or assessment and the status of any on-going contractual arrangements agreed with the Chief Executive Officer

Policy Review Arrangements

This policy is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of FutureQuals, to ensure it remains fit for purpose and the process and its outcomes are deliverable.

It is also reviewed as part of FutureQuals continuous improvement monitoring through its annual self-assessment arrangements.

Contacting FutureQuals

Future (Awards and Qualifications) Ltd
EMP House
Telford Way
Coalville
Leicestershire
LE67 3HE
Tel: 01530 836662 | Fax: 01530 836668
Email: info@futurequals.com | Website: www.futurequals.com

Future (Awards and Qualifications) Ltd is registered under the Data Protection act and handles all data in accordance with the required procedures of the Act.

Appendix 1.1 – Malpractice and Maladministration Forms

The paperwork required to deal with any reported case of malpractice or maladministration is below:

- Report form (M1) to be provided to the centre or any person reporting suspected malpractice or maladministration.
- Investigation report form (M2) to be completed either by the centre or FutureQuals depending on the outcome of the risk assessment.
- Procedure for the notification of the outcome of the investigation and review form (M3) to be used once the investigation report has been received.

MALPRACTICE AND MALADMINISTRATION REPORT FORM

Form reference M1

Before completing this form you should read the FutureQuals Malpractice and Maladministration Policy.

This form may be used to report all suspected or actual cases of malpractice or maladministration on the part of a FutureQuals Approved Centre, Learner, Assessor or other person involved in the design, delivery or award of FutureQuals qualifications. It should include all details of the potential malpractice or maladministration as known at the time but centres should not undertake a full investigation until cleared to do so by FutureQuals.

It is essential that this form is completed as soon as any potential malpractice or maladministration is reported or suspected.

Please complete all sections of the form attaching any supporting documentary evidence and either email, post or fax to:

Head of Quality, FutureQuals, EMP House, Telford Way, Coalville, Leicestershire LE67 3HE

Email: qualityassurance@futurequals.com | Tel: 01530 836662 | Fax: 01530 836668

Please use additional sheets if required.

CENTRE NAME AND ADDRESS:

CENTRE NUMBER:

QUALIFICATION(S) AFFECTED:

NAMES OF LEARNER(S) INVOLVED IF APPROPRIATE:

NAMES AND RESPONSIBILITIES OF CENTRE STAFF INVOLVED IF APPROPRIATE:

NAMES OF FUTUREQUALS STAFF OR CONSULTANTS INVOLVED IF APPROPRIATE:

DATE(S) OF SUSPECTED OR ACTUAL OCCURRENCE:

AREA OF CONCERN (please provide details of the issue raised as potential malpractice or maladministration):

Details of person making the report:

NAME:

POSITION:

SIGNATURE:

DATE:

TELEPHONE:

EMAIL:

Please refer to the FutureQuals Public Interest Disclosure (Whistle-blowing) Policy which can be found on the FutureQuals website if you wish to protect your identity

For office use only:

Received by: _____

Date: _____

Acknowledged by: _____

Date: _____

Issues Log Entry by: _____

Date: _____

Decision returned to centre by: _____

Date: _____

Ref Number: _____

INVESTIGATION REPORT FORM

Form reference M2

Date of report	
Centre Name	
Centre Number	
Full Qualification Title and code	
Unit code (where applicable)	
Learner/s involved (if appropriate)	
Staff involved (if appropriate)	
Area of concern	
Investigation Team (Name, position and signatures*)	
Report Written By	
Reported Reviewed and Signed off By	<i>To be completed by the Head of Centre if the investigation was delegated to another member of staff</i>

*Investigators that sign this report are confirming that any individuals involved have been notified of the issue and been given the opportunity to comment and where appropriate submit a written signed statement.

Contents

1. Purpose of the investigation
2. Background and nature of allegation
3. Key issues
4. Information and evidence including documentation/information reviewed
5. Findings from the investigation and/or review of documentation including compliance/non-compliance with Centre processes and procedures and FutureQuals requirements

1. Purpose of the Investigation

2. Background and nature of allegation

3. Key issues

4. Information and evidence including documentation/information reviewed

5. Findings from the investigation and/or review of documentation including compliance/non-compliance with centre processes and procedures and FutureQuals requirements

Our recommendations for actions to mitigate and correct any adverse effect that has occurred or may occur:

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SIGNED BY HEAD OF PANEL:

NAME:

DATE:

This Investigation and subsequent report has been undertaken in respect of Condition A8 of the Ofqual, Qualifications Wales and CCEA Regulation General Conditions of Recognition and SQA Accreditation’s Regulatory Principles.

If you wish to appeal against our decision to impose sanctions, please refer to the Enquiries about Results and Appeals Policy available at www.futurequals.com or on request from Customer Support.

Contacting FutureQuals

Future (Awards and Qualifications) Ltd

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Telford Way

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LE67 3HE

Tel: 01530 836662 | Fax: 01530 836668

Email: qualityassurance@futurequals.com | Website: www.futurequals.com

Future (Awards and Qualifications) Ltd is registered under the Data Protection act and handles all data in accordance with the required procedures of the Act.

Appendix 1.2 – Definition of an Adverse Effect

As defined by Ofqual, the Office of Qualifications and Examinations Regulation, Qualifications Wales and CCEA Regulation:

An adverse effect is an act, omission, event, incident or circumstance if it:

- Gives rise to prejudice to Learners or Potential Learners, or
- Adversely effects
 - The ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - The standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - Public confidence in qualifications

For FutureQuals, an adverse effect is also an act, event, incident or circumstance that adversely effects our ability to develop, deliver and award qualifications regulated by SQA Accreditation in accordance with its Regulatory Principles.

Appendix 1.3 - Guidance for Carrying out an Investigation into Allegations of Malpractice and Maladministration

Introduction

The FutureQuals Malpractice and Maladministration Policy sets out FutureQuals requirements for the notification, investigation and reporting of alleged malpractice and/or maladministration.

In some cases, FutureQuals will permit the Head of Centre to carry out an investigation and report his/her findings. In other cases, FutureQuals will appoint a lead independent investigator to undertake the investigation on FutureQuals behalf.

In both cases, this guidance must be used to ensure that any investigation is conducted in a fair, reasonable and legal manner and that proper records are maintained.

Overview of the Investigation process

The primary principle of investigations is to conduct them in a fair and legal manner that ensures all evidence is considered without bias.

When conducting an investigation, establish the facts that relate to an allegation in a systematic way. This will help you to identify if irregularities have taken place and by whom and establish the root cause and scale of the malpractice. It will aid you to determine what remedial action is required to maintain the integrity of an assessment and reduce the risk to current learners and establish how to mitigate against the risk of the same issue occurring in future.

Clearly define what is covered in the scope of the investigation and what falls outside that won't be investigated. This will help to manage any unrealistic expectations, if appropriate ensure that all parties are agreed on the scope.

As Head of Centre, you will act on behalf of FutureQuals and should personally supervise the investigation. If it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority in the centre.

Investigators must be unbiased, impartial and have no conflict of interest with the person/s that raised the allegation or with anyone involved in the allegation. Investigators must not have been involved in occurrence/allegation at an earlier stage.

Drafting an investigation plan, will help identify any issues that need to be addressed and allow the focus to be on the fundamental issues that require investigation. Set out key dates and key activities that need to be completed to ensure that you can comply with the deadline FutureQuals requires for completion of the investigation.

Key activities may include desk based research and gathering evidence. This may include meetings and investigative interviews to establish facts on and off site, collecting written statements and analysing evidence, determining recommendations and drafting an investigation report.

All investigators must maintain an auditable record of each action undertaken during an investigation to evidence that they have conducted the investigation appropriately and to withstand scrutiny from FutureQuals and any interested party including the regulators.

As part of the investigation it may be necessary to authenticate documentary evidence. For example, learners or third parties may need to confirm handwriting, dates and signatures to support authenticity of evidence. Any materials associated with the investigation, including written, signed and dated statements from learners, invigilators (if the incident took place during an invigilated Functional Skills test or multiple choice examination)

or third parties must be stored securely in the event of challenge and to ensure that evidence can be supplied to FutureQuals on request.

When conducting interviews whether face to face or by telephone, it is advisable to include prepared questions and to record the responses. Face to face interviews should be conducted by two people with one person acting as interviewer and one as note-taker.

Notes from interviews are required to bear scrutiny and as such, you may wish to produce a draft transcript of the interview that the interviewee can check for factual accuracy and confirm that it is a true reflection of the interview that took place.

An effective interviewing technique to use is the "PEACE" model:

- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluation

To ensure that an individual's rights are protected, an interviewee must be informed that they may be accompanied by someone and that they do not have to answer any questions.

When analysing the evidence, identify all points on which the evidence is consistent as this will help you focus on areas where there is no consistency. You will need to consider how credible the evidence is and establish any corroborating evidence that you can test it against.

When the investigation has concluded a full written report must be drafted and submitted to FutureQuals. It must explain and record the conclusions you have reached and provide a full account of the circumstances of the alleged malpractice and detail the investigation you have conducted.

The report should not include the names of any whistle-blower or individual that expressed a wish to remain anonymous and, as far as possible, not include an information that could potentially reveal identity.

Submit the report to FutureQuals with any material and/or evidence that is relevant to the investigation. This may include signed and dated written statements by learners, centre staff or third parties, internal quality assurance records, learner work and assessment records. If submitting this by post, you must send it by a trackable, secure service and a signature obtained as proof of delivery.

To assist you, the investigation process has been broken down into different stages and more detailed guidance can be found below. This information is not exhaustive:

Stage 1 – initial investigation

- Study the information provided with the allegation to clarify what the issue is. This may include interviewing the informant either in person or by telephone, asking for more information or requesting documentary evidence such as assessment records or portfolios.
- Decide whether there is a case for further investigation. At this stage, it is possible to conclude that no malpractice took place, that the allegation was in fact maladministration, that malpractice has taken place and it is clear how to deal with it, or that the facts, scale or circumstances of the alleged malpractice need more clarification.

Stage 2 – Detailed investigation

- Establish all the facts that surround the potential case. This may include a visit to the centre, sub-centre or satellite sites, interviews with staff and/or learners, an in-depth study of records and a review of learner evidence.

- It is particularly important to evaluate the scale of the alleged malpractice, for example to consider other learners working with an assessor whose work is being questioned, the wider quality assurance implications raised by the issue under investigation and the practice of other assessors.
- Draw conclusions on the cause of the issue, who is involved both directly and possibly by omission and on the risk to other learners and/or the certification process.

Stage 3 – Recommendations for action

- Look at what action has already been taken, possibly by the centre once they have realised there is a problem or by FutureQuals, possibly by way of interim sanctions. Decide whether this is sufficient or whether further action is required and on what timescale.
- Determine the risk to other learners, the standards of the qualification and the certification process. If this is high, contact FutureQuals immediately to recommend interim actions until the report is concluded.
- Recommend actions to be taken to be taken by the various parties involved to resolve the situation, to preserve the integrity of the qualification and to protect learners. This may include recommending no certificates be issued until certain steps have been taken or the invalidation and return of certificates already issued.
- Where sanctions are recommended to be imposed on a centre, a member of centre staff or a learner, this must be supported by evidence that is clearly related to a breach of rules, regulations or centre approval.

Stage 4 – reporting

- A report on the investigation must be provided to FutureQuals within 10 working days for an initial centre investigation or 30 working days for a FutureQuals investigation unless a longer time period has been previously agreed.
- The report must be completed on the FutureQuals paperwork which can be found at the rear of the FutureQuals Malpractice and Maladministration Policy so that it is in a standard format. The report should include recommendations for action but both the centre and those involved in a FutureQuals investigation must understand that it is FutureQuals Malpractice Panel that takes the final decision about the outcome and next steps to be taken. The FutureQuals Executive Committee has formal oversight of all malpractice and maladministration investigations and outcomes.
- The report should be accompanied by the following documentation, as appropriate:
 - A statement of the facts, a detailed account of the circumstances of alleged malpractice and details of any investigations carried out by the centre.
 - Written statements from centre staff and learners who have been interviewed as part of the investigation including invigilation staff and any individual responsible for delivering Functional Skills tests and assessments
 - Any work of the learners and internal assessment, learner responses or quality assurance records relevant to the investigation.
 - Any external test papers and learner responses or documentation secured that relates to malpractice in online testing or tests undertaken under examination conditions
 - In the case of learner malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future.
 - Any mitigating factors that should be considered.

- The centre or those involved in a FutureQuals investigation should be aware that the FutureQuals Malpractice Panel will agree the report and if necessary, pass it on to relevant parties, normally the Head of Centre, to agree factual accuracy.
- As part of the report, the centre or those involved in a FutureQuals investigation may recommend changes to FutureQuals policies or procedures if it is felt they contributed to the malpractice. At the end of any malpractice investigation, FutureQuals will review its policies and procedures and update them when necessary. It will also review all cases and other reports that have not reached the stage of malpractice to ensure there are no trends or patterns that may need to be considered in quality assurance systems.

During the investigation

During the investigation, the following principles should be adhered to:

Investigations usually necessitate access to information that is confidential to a centre or to individuals. All material collected as part of an investigation must be kept secure and not normally be disclosed to any third parties other than the regulators or police, where appropriate. Where a centre has collected relevant confidential information, it must be disclosed to FutureQuals who will in turn abide by these rules of confidentiality.

Where an individual is suspected of malpractice they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g. the regulators, the police, funding agencies and professional bodies. The appeals process should also be communicated to them.

During investigations it is probable that individuals will need to be interviewed to gather information on the alleged malpractice. Where centre staff members are interviewed during an investigation that is being carried out by the centre, those interviews should be carried out in line with centre policy and procedures (including the centre's policy for conducting disciplinary enquiries). Centre staff may request that they are accompanied by a friend or colleague and such requests should be processed in line with a centre's own policy.

Where a learner is to be interviewed and they are a minor or vulnerable adult, the centre and/or FutureQuals will consider the need to have a parent, guardian or carer present or have the permission of a parent, guardian or carer prior to the interview taking place.

Where legal advisors are to be present during interviews, this must be made known to other parties involved to give them the same opportunity to be similarly supported.

Retention and storage of evidence and records

All relevant documents and evidence should be retained in line with FutureQuals policy and procedures.

Decisions and action plans

All conclusions and decisions must be based on evidence. A course of proposed action will be identified, agreed between the centre and FutureQuals, implemented, and monitored to the point of completion.

The actions should address the improvements that are required to the centre's policies and procedures as well as any action that is related to staff of other resources. FutureQuals will apply sanctions according to its Sanctions Policy where there is evidence of non-compliance.

Appendix 1.4 - FutureQuals Malpractice Panel Terms of Reference

The FutureQuals Malpractice Panel shall consider and determine whether Investigation reports and evidence submitted to it by those that have concluded an investigation into an allegation of malpractice, provide evidence of malpractice having taken place. The Panel will also determine the actions and/or sanctions that need to be put in place to mitigate the incident and the timeframes that should be applied.

Composition

The FutureQuals Malpractice Panel is made up of the Responsible Officer (Chair of the Panel), The Head of Quality and the Executive Assistant. Should any member of the Panel be conflicted and unable to sit on the panel an additional member of the panel will be appointed. This may include the Chief Executive Officer or an independent appropriately qualified expert who is not employed by FutureQuals, or in any other way connected to the organisation.

A Secretary may be present at each meeting of the Panel to take notes of the meeting but shall not be involved in the proceedings.

Proceedings of meetings

The Panel may appoint advisers to provide advice at the meeting but they will not be involved in the decision making process of the appeal outcome.

The Panel shall convene when necessary to ensure that malpractice cases are heard and acted on promptly and in line with the timeframes stated in the FutureQuals Malpractice and Maladministration Policy.

At each meeting of the Panel all members must be present for the proceedings to be valid, except in the event of exceptional circumstances outside the control of the Panel or any member.

The Panel will review the report and any evidence provided as part of the investigation to ensure that procedures were applied consistently, properly and fairly.

The Panel may request additional information from the centre/learner, arrange discussions with centre staff and/or appoint an appropriately competent independent person to visit the centre if necessary.

The Chair may, at their discretion, adjourn or suspend proceedings for any such period as the Chair deems reasonable if the additional information is not readily available or arrangements need to be made to visit a centre.

The Head of Quality will notify the centre, in writing, of the Panel's decision within 12 working days.

All notes of the proceedings shall be evidence of the appeal and must be kept securely in the FutureQuals electronic information management system, Huddle, for a minimum of 3 years.

FutureQualsTM

INSPIRING LEARNING AND SKILLS

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