

RSL VQ Malpractice Policy

Introduction

This policy is aimed at centres, and learners who are involved in the assessment of RSL vocational qualifications. There is a separate policy for malpractice in other RSL qualifications which is available on the website.

The purpose of this policy is to set out the procedures that learners and centres should follow in reporting instances of malpractice to RSL. The policy also gives details of the service provided by RSL in these cases.

This policy is available on our website at www.rslawards.com or can be obtained by calling **0845 460 4747** or e-mailing vocational@rslawards.com

This policy will be subject to review and monitoring by RSL and if necessary, will be amended and updated following feedback from learners and centres. All future versions to this policy will be flagged and will be posted on our website.

Please note that we treat all correspondence with individuals who make complaints or inform us of suspected malpractice in confidence and will not make details available to any other parties.

2. Issue and review

The date of issue of this policy is December 2019. This policy will be reviewed annually.

3. What is malpractice and maladministration?

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. For the purpose of this policy, this term also covers misconduct.

Maladministration is defined as any activity or practice which results in non-compliance with regulations.

For vocational qualifications, RSL works in conjunction with centres to investigate all cases of malpractice. Where cases are escalated following internal investigation by a centre, RSL will work in liaison with the parties concerned. If an investigation results in evidence of malpractice, we will need to impose the appropriate sanction and take the necessary steps to ensure that the learners' interests are protected as far as is reasonably possible.

The categories listed below are examples of potential centre and/or learner malpractice. Please note that this is not an exhaustive list.

- Contravention of our centre and qualification approval conditions
- Failure to satisfactorily implement conditions of approval within stated timescales
- Denial of access to resources (premises, records, information, candidates and staff) by any authorised representative and/or the regulatory authorities
- Failure to adhere to registration and certification procedures
- Failure to continually adhere to our qualification/centre approval criteria
- Failure to maintain auditable records, e.g. certification claims
- Fraudulent claim for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- Deliberate misuse of our logo
- Plagiarism of any nature by learners
- Disclosure of confidential information by assessors or centre staff to learners or external parties
- Breaches of confidentiality and security of assessment materials
- Submission of false information to gain a proxy or a qualification
- Failure of centres to adhere to the requirements of our *Reasonable Adjustments and Special Considerations Policy* when applying reasonable adjustments to internal assessments.

4. How to notify RSL of suspected or actual cases of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately report their findings to Compliance Team by post, telephone or e-mail.

Compliance Team

RSL Ltd
Ground Floor
Harlequin House
7 High Street
Teddington
TW11 8EE

E-mail: vocational@rslawards.com

Tel: **0845 460 4747**

The Quality Representative at the centre should send in the notification and any accompanying evidence to the Compliance Team by post, or email. Notification reports must include:

- Centre's name, address and number

- Learner(s) name and registration number
- Centre personnel's details (name, job role) if they are involved in the case
- Title and number of the qualification affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- Written statements from those involved in the case, e.g. witness statements
- Date of the report and the informant's name, position and signature

5. The investigation process for vocational qualifications

5.1 Investigation

RSL will carry out an investigation into the suspected malpractice. This will include a review of paper-based evidence as well as interviews with those involved. RSL reserves the right to:

- Instruct the centre to conduct an investigation
- Conduct an investigation ourselves or
- Nominate a third party to carry out the investigation on its behalf

The fundamental principle of the investigation is that it is conducted in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. Investigations will be carried out by the Head of Compliance at RSL who will liaise with the Quality Representative. The investigation will usually involve a visit to the centre which can be pre-arranged or unannounced.

Where RSL requires the centre to carry out the investigation, RSL will ensure that the centre is provided with all relevant guidance and support. The investigation should be carried out by the Quality Representative in a given timeframe, and should be consistent with a fair and thorough investigation.

Where RSL decides to carry out the investigation itself, this will be carried out by the Head of Vocational Qualifications (Operations) and/or Head of Compliance. Cases of alleged fraud or in case of a serious threat to the integrity of RSL qualifications) will be carried out by the Head of Compliance.

5.2 Objective of investigations

Investigations should aim to:

- Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made, it should not be assumed that any irregularity has actually occurred
- Establish the facts, circumstances, and scale of the allegation
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take action to minimise the risk to current learners and requests for certification
- Evaluate any action already taken by the Centre
- Determine whether remedial action is required to reduce the risk to current learners and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with RSL procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made by RSL and/or the centre/s

5.3 During the investigation

During any investigation the following principles should be adhered to:

- Confidentiality- by their very nature, investigations usually necessitate access to information that is confidential to a centre or individuals. All materials collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators, or in relation to the General Conditions of Recognition, or the police, where appropriate)
- Rights of individuals- where an individual is suspected they will be:
 - Informed of the allegation made against them in writing and the evidence that supports the allegation
 - Provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
 - Informed of what the possible consequences could be if the allegation is proven and of the possibility that other parties may be informed e.g. regulators, police, funding agencies and professional bodies, or other AOS.
 - Given the appeals process
- During investigations it is probable that individuals will need to be interviewed to gather information on the allegations

- Where centre staff members are interviewed during an investigation that is being carried out by the centre, these 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 these requests should be processed in line with centre policy
- Where a learner is to be interviewed, and they are a minor or vulnerable adult, they should consider the need to have a parent or guardian or carer present or to have the permission of a parent or 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 the RSL's policy and procedures
- Decisions and action plans- all conclusions and decisions will be based on evidence. A course of proposed action will be identified, agreed between the centre and RSL, implemented and monitored by the Head of Vocational Qualifications (Operations) and/or Head of Compliance to the point of completion. The actions will address the improvements that are required to the RSL's policy and procedures as well as any action that is related to staff or other resources.
- Sanctions- any sanctions applied to the centre by RSL will be commensurate with the level of non-compliance identified and evidenced during the investigation and will be in line with the RSL's Sanctions Policy

5.4 The Investigation Report

Where the investigation has been carried out by the centre, the Quality Representative is required to submit a written report.

The report should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by the centre
- Written statements from the centre staff and learners who have been interviewed as part of the investigation
- Any work of the learner and Internal Assessment records relevant to the investigation
- 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

In those cases where RSL carry out our own investigation, the Head of Vocational Qualifications (Operations) and Head of Compliance and Compliance (RO) will be provided with an opportunity to comment on the factual accuracy of the investigation report before it is finalised.

5.5 Making decisions about malpractice/maladministration

The investigation report will be submitted to the Head of Compliance for a final decision on the investigation.

The decision stage will aim to:

- Identify the regulatory/centre approval criteria which it is alleged have been compromised
- Consider the facts of the case
- Decide on the facts whether malpractice has occurred
- Establish who is responsible if criteria have been compromised
- Determine an appropriate level of remedial action to be applied

In the event of malpractice by the centre, RSL will consider action to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from doing likewise
- Ensure there has been no gain from compromising our standards
- Advise the regulatory authorities of the outcome, where relevant

In the event of malpractice by a learner, RSL will consider the remedial action being taken by the centre, and advise on the appropriateness.

RSL's decision to take further action following the outcome of the investigation will be based only on the evidence available. The decision will be justifiable, reasonable and consistent.

RSL will impose sanctions and penalties on Centres where the allegations have been proven. These will be in line with the published Sanctions policy. These sanctions and penalties will aim to:

- Minimise the risk to the integrity of RSL qualifications, both now and in the future
- Ensure that only learners who have reached the required standards are awarded the qualification
- Maintain the confidence of the public in the delivery and awarding of qualifications
- Deter others from doing likewise

The sanction to be applied will depend on the nature and scale of the allegation.

5.7 Maintaining Records of Investigations

In conducting an investigation, centres are required to retain the following records and documentation in line with centre and RSL record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

Records should include:

- A report containing a statement of the facts, a detailed account of the circumstances of alleged wrong doing, and details of any investigations carried out by the centre
- Written statements from any learners/staff required
- Any work of the learner/ assessment paperwork or verification records relevant to the investigation
- Details of any remedial action taken to ensure the integrity of certification now and in the future.

6. Appeals against decisions

Please refer to the Appeals Policy for Vocational Qualifications which is available on the RSL website.

7. Alerting other Awarding Organisations

Regulations require that RSL notify other Awarding Organisations of cases that could have an adverse effect and where these cases are likely to impact on the other Awarding Organisation. This will usually be appropriate where:

- The centre where the adverse effect has occurred (or is suspected) is also approved with another Awarding Organisation (for the same or different qualifications (and the (suspected) wrong doing could potentially impact on the activities undertaken on behalf of that other Awarding Organisation).
- The Centre where the incident has occurred (or is suspected) is also approved with another Awarding Organisation for the same qualifications and there is the potential for the Centre to move their operations to the other Awarding Organisation in an attempt to avoid sanctions and continue sub-standard practices.
- The Centre where the incident has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Organisation (for the same or different qualifications).

8. Notifying regulatory authorities

RSL will notify the appropriate regulatory authority* of the potential malpractice or maladministration and the progress and outcomes of investigations.

**The regulatory authority for England and Northern Ireland is Ofqual, for Wales Qualifications Wales, for Northern Ireland CCEA and for Scotland SQA Accreditation.*