



Malpractice and Maladministration Policy

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V 2 April 2026		<p>Change of terminology throughout from the use his/her to their/they.</p> <p>Change of terminology throughout:</p> <ul style="list-style-type: none"> • to specific reference of end-point assessment and EPA to qualification and assessment • to include reference to learners in addition to apprentices • from contracted training provider to contracted customer <p>References to IfATE changed to Skills England and the ESFA to the Department for Work and Pensions (DWP).</p> <p>EPA Operations Manager role title changed to Qualification Operations Manager</p> <p>Amendment in the Policy Review Section to include specific reference to Ofqual.</p>

Contents

Scope and purpose of the policy.....	4
Maladministration and Malpractice in end-point assessment (EPA).....	5
Maladministration	5
Malpractice	5
Examples of malpractice.....	6
Investigation into suspected malpractice in EPA	7
Reporting suspected malpractice in EPA.....	7
Confidentiality.....	8
Investigations into suspected malpractice in EPA	8
OR Society Investigations.....	10
Rights of Individuals	11
Interviews	11
Investigation Outcomes.....	11
Sanctions and Actions	11
Notifying the Outcome.....	12
Allegations Involving OR Society Staff or Contractors including IEPA’s and IQA’s.....	13
Policy Review	13

Scope and purpose of the policy

This policy applies to all contracted training providers/employers and other stakeholders delivering or using the OR Society's qualification and assessment services.

The policy is designed to:

- protect learners and apprentices who are registered with us
- minimise the risk of an Adverse Effect occurring
- help support us and our customers involved in risk management and risk minimisation
- help ensure we, and our customers, comply with all relevant legislation and guidance

For our contracted customers, this policy supports compliance with the Contract but it does not replace any of the requirements contained within that Contract.

Non-adherence to our policies may constitute Maladministration, Malpractice and / or a breach of the Contract. Please ensure all policies are read and implemented carefully.

Contracted customers must make apprentices, learners and staff (including, site, sub site or contractual staff) who are involved in the design, delivery, management, assessment and quality assurance of the OR Society's qualifications and assessments aware of, and familiar with, the contents of the policy.

It sets out the management arrangements for dealing with instances of suspected malpractice in the delivery of our qualifications and assessments, who investigates and how an investigation is undertaken. It also deals with the responsibilities of the personnel and stakeholders involved in end point assessment services.

Contracted customers and partners involved in apprenticeship training have a responsibility to ensure that they have quality assurance arrangements in place that are sufficiently robust and risk-based to manage and control malpractice including maladministration. This may involve regular audits and internal monitoring arrangements that are effective in providing adequate levels of assurance.

This policy is applied following the submission of gateway or assessment evidence to the OR Society.

Maladministration and Malpractice in assessment

Maladministration and malpractice may disadvantage learners and apprentices and may negatively affect the integrity of the sector. Below is a brief overview as to what may constitute maladministration or malpractice.

Maladministration

Maladministration is any activity, practice or omission that results in non-compliance with the contents of the Contract, EPA administrative requirements and/or other OR Society or regulator conditions and procedures.

Where possible, we will work with our contracted customers and partners in preventing maladministration from occurring. However, we expect them to have adequate systems in place and adhere to these systems. Reoccurring instances may be considered as malpractice and we reserve the right to investigate as such.

Malpractice

Malpractice is any instance, activity or practice that is improper or inappropriate, unethical and/or illegal that compromises, or could compromise, the integrity, reputation and/or validity of the assessment process, results, the OR Society, the contracted partner or the wider education sector. Malpractice could occur at learner, apprentice, staff, and/or organisation level. The term malpractice includes maladministration activity where this may relate to continued poor record keeping, continuing errors and continued inadequate administration practice.

Malpractice may be more likely than maladministration to have greater implications for learners, apprentices, staff, and/or the organisation. As such, we treat all cases of potential malpractice very seriously.

Malpractice is a practice, activity or an omission which deliberately or negligently results in non-compliance with OR Society and regulatory requirements and compromises:

- the credibility and reputation of the OR Society
- the rigour of assessment/quality assurance processes
- the integrity of an assessment component(s)
- the validity of an assessment outcome/result

Assessment results are awarded accurately, reliably, consistently and fairly in a high-quality service for learners, apprentices, employers and contracted customers and partners. All those personnel involved in the design, implementation, delivery, assessment and quality assurance of assessment are required to uphold high standards of professional conduct including honesty, integrity and reliability.

We are required by our regulators to consider risks caused by Adverse Effects, maladministration and malpractice.

An 'Adverse Effect' is defined in the Ofqual General Conditions of Recognition in the following terms: -

'An act, omission, event, incident or circumstance has an Adverse Effect if it: -

- (a) Gives rise to prejudice to apprentices or potential apprentices; or
- (b) Adversely affects –

I. The ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,

II. The standards of qualifications which the awarding organisation makes available or proposes to make available, or

III. Public confidence in qualifications.

Under the Contract, all contracted customers and partners are made aware of their obligations, including the specific duty not to put us in breach of our ability to fulfil our obligations with our regulators. It is therefore important that Adverse Effects (as defined above), maladministration and / or malpractice are notified to us and appropriately dealt with.

Examples of malpractice

General types of malpractice include but are not limited to:

- contravention of the Contract by not following the requirements
- obtaining, exchanging, passing confidential/secure assessment material
- falsification of assessment evidence including; copying, third party work
- preventing authorised the OR Society representative from access to premises, records, information and apprentices
- persistent and repeated instances of maladministration
- the unauthorised use of inappropriate materials and/or equipment in assessment settings for example, mobile phones, smart watches, mobile devices or other aids
- intentionally withholding information from us which is critical to maintaining the rigour of quality assurance and standards of assessments
- inaccurate or deliberately misleading statements or submissions provided during the apprentice gateway process or at any time during the assessment process
- non-adherence to invigilation requirements
- falsifying learner or apprentice records, or not retaining records for required time
- falsification of assessment evidence including; making incorrect assessment judgements, incorrect grading decisions, falsifying assessment records

- collusion or permitting collusion by learners, apprentices, employers and contracted customers
- an apprentice or learner falsifying identity or authenticity or impersonation
- forgery of evidence
- contravention of OR Society specified assessment requirements by a contracted customer, an employer, learner or an apprentice
- plagiarism of any nature by a learner/apprentice
- communicating or attempting to communicate with other learners/apprentices who are taking an assessment
- assisting or prompting an apprentice/learner in the production of answers to assessments questions or assessments evidence
- bribing or offering bribes to OR Society staff or representatives, employer/contracted customer staff

Investigation into suspected malpractice

The OR Society will investigate all allegations or suspicions of suspected malpractice which apply post gateway and/or during the assessment process.

Reporting suspected malpractice in EPA

Anyone can identify an issue that they think could constitute potential maladministration or malpractice, including, but not restricted to: learners, apprentices, OR Society staff/contractors, contracted partners, organisations and external agencies such as the Department for Work and Pensions (DWP), Skills England, Ofsted and the Police.

We may identify cases of maladministration and/or malpractice through our routine processes such as assessment and quality assurance. However, we may also identify instances when we apply our processes and policies, e.g., when considering an enquiry about a result or when hearing an appeal.

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the OR Society Qualification Operations Manager at epao@theorsociety.com

The alleged should document the allegations and enclose any appropriate supporting evidence.

All allegations must include (where possible):

- The employer or contracted customers company name, address and telephone number
- The apprentice (s)/learner (s) impacted name, address, telephone number and ULN
- Name and job role of the contracted customer/employer/OR Society staff/OR Society contractor details (name, job role) if they are involved in the incident
- Title of the Apprenticeship Standard or qualification affected and/or the OR Society qualification number or nature of the service affected

- The nature and full details of the suspected or actual malpractice and associated dates
- Detailed written statements from those involved in the case, e.g., witness statements if appropriate

Any learner, apprentice, employer/contracted customer member of staff or any other person that suspects malpractice, but has a fear of reprisal if they raise concerns with an employer or contracted customer may wish to contact the OR Society at epao@theorsociety.com

Failure to report suspected malpractice or co-operate with investigations is considered malpractice.

Confidentiality

Whistleblowing is a term used to refer to an individual who discloses information relating to actual malpractice or maladministration and / or the covering up of such practices. In certain circumstances a whistle-blower has protection in law under the Public Interest Disclosure Act 1998 (PIDA).

Staff who wish to make a whistleblowing disclosure to someone outside their organisation, should normally do so to the relevant training provider. If the issue is about the EPA itself, the disclosure should be made directly to the OR Society.

We will always endeavour to keep a whistle-blower's identity confidential when asked to do so, although we cannot guarantee this and we may need to disclose an identity to the police or other law enforcement agencies, the courts, or another person to whom we are required to by law to disclose an identity.

It should be noted that a whistle-blower may also be identifiable by others due to the nature, or circumstances of the disclosure they are making.

Whilst we consider investigating issues which are reported to us anonymously, we can only do so if we are provided with enough information to facilitate an investigation or substantiate an anonymous disclosure. We are unable to disclose the outcome of any investigation to an informant.

Investigations into suspected malpractice in EPA

We reserve the right at any time during or following an investigation to:

- suspend delivery of assessment activity
- withhold results for assessments
- withhold claims for certification
- invalidate an assessment
- take any other necessary, appropriate and proportionate action.

Following the identification of suspected malpractice the complete information regarding the circumstances and facts of the potential malpractice aims to be

established. The focus is to understand whether the validity of an assessment has been compromised in any way and what action if any is needed.

Reports and allegations of suspected malpractice from any source are considered by the Qualification Operations Manager. With the Responsible Officer, the Qualification Operations Manager will decide how to proceed dependent on the allegation and who will be involved in investigating the allegation including whether an external independent investigator should be appointed.

When deciding who will be involved in undertaking an investigation, we will ensure that the allocated investigator (s) has the appropriate level of training, are competent to perform the role and have had no previous involvement or personal interest in the matter.

We will acknowledge all allegation notifications within 2 working days to establish if there are reasonable grounds for the suspicion or allegation.

If it is possible that malpractice or maladministration has occurred or may occur, we will try to establish the facts and take all reasonable steps to prevent any adverse effect. If an adverse effect has already occurred, we shall mitigate it as far as possible and correct it.

The Qualification Operations Manager is responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. They will review the notification and any supporting evidence to establish whether the malpractice or maladministration has occurred. The review will assess the situation and decide if an initial desk top investigation is appropriate, further information is required or whether the OR Society needs to immediately carry out a full investigation.

The full co-operation of those implicated and any relevant persons responsible in qualification or assessment provision to provide truthful information is necessary to both investigate and resolve the potential malpractice allegation. As a key part of the investigation learners, apprentices, employer/contracted customer staff and any relevant OR Society personnel will be asked to provide statements on request.

Where appropriate, assessment delivery will be suspended or stopped at point of notification of malpractice or during an investigation. This action is designed to prevent the possibility of results being issued erroneously or incorrectly. No assessment decisions will be concluded whilst evidence or records are under review in malpractice investigations.

Where individuals fail to co-operate with an investigation or take follow up action requested by us, this can be considered malpractice. It may lead to results not being issued or awarded and/or the termination of our services with the employer/contracted customer.

Investigations will be concluded in as short a time as possible and all parties involved will be informed of the outcome.

Where applicable, the Responsible Officer will inform the appropriate regulatory authorities if the OR Society believe there has been an incident of malpractice or maladministration which could create, or has created, an Adverse Effect, invalidate the result of a qualification, or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision we will also inform them directly in accordance with the regulatory requirements imposed by the regulator.

Where malpractice is established we will conclude the necessary sanctions and actions to be taken to preserve the integrity of our services and reduce risks of reoccurrence. Employers/contracted customers are expected to comply with the requirements of any sanctions and actions imposed by the OR Society. Failure to comply may lead to the suspension or termination of the Contract.

Individuals found guilty of malpractice may be prevented from any future involvement in assessment.

The OR Society will attempt to safeguard the interests of any learner or apprentice involved in a malpractice event through no fault of their own. However, where the integrity of the assessment has been compromised assessment results may be withheld or cancelled.

The sanctions and actions resulting from investigations of malpractice will be dependent upon the level of risk posed to the EPA, please refer to the OR Society Sanctions Policy for further details.

OR Society Investigations

We aim to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a visit is required. In such instances, we shall advise all parties concerned of the likely revised timescale.

The investigation may involve:

- A request for further information from OR Society personnel, the contracted training provider or employer or any other individual involved in the allegation
- Interviews (face to face or by telephone) with personnel involved in the investigation, whistle-blowers and/or apprentices
- Arrangements for the OR Society's authorised investigation team to carry out a visit

We expect all parties, who are directly or indirectly involved in the investigation, to co-operate fully with the investigation.

Rights of Individuals

Those implicated in malpractice will be informed directly or indirectly through an employer/training provider, prior to a request for a statement, of:

- the nature of the allegation
- evidence that the allegation is based upon
- possible sanctions or actions imposed by us if malpractice is proven

Where individuals have left employment, the OR Society will normally request that the employer makes contact to obtain a statement. If no contact can be made or the individual declines to make a statement, the investigation will be based upon available evidence. We reserve the right to visit employers/training providers to facilitate investigation and collate information.

Interviews

Please note that for interviews either conducted as part of our investigation(s):

- any partner or assessment location personnel, learner or apprentice being interviewed can be accompanied by another person. The person to be interviewed must be advised of that right in sufficient time in advance of the interview to allow them to make such arrangements
- partners must ensure that young persons and vulnerable adults are accompanied by an appropriate adult at all times during an interview, and
- we must be made aware in sufficient time if any person giving legal representation or advice to any party is to be present in an interview

Investigation Outcomes

Following an investigation, the investigator will produce a report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned, the investigator and the Qualification Operations Manager.

The outcome decision for most investigations will be made by the Qualification Operations Manager, but in serious cases of malpractice and maladministration, the decision may be escalated to the Responsible Officer.

If the investigation confirms that malpractice or maladministration has taken place, we will place sanctions at an appropriate level as per the below examples.

Sanctions and Actions

We have a range of sanctions that can be imposed on a contracted customer, partner, learner or apprentice. This is dependent on the seriousness of the situation, the level and track record of the contracted customers or learner/apprentice's non-compliance, the risk to the interests of learners/apprentices and the integrity of our assessments.

Whilst we aim to work with our customers, learners and apprentices to prevent situations occurring that would warrant a sanction being imposed, we will consider whether the integrity of our qualifications and assessments might be at risk if a contracted customer or employer staff member, learner or apprentice were to be involved in future qualification or assessment delivery. With that in mind, we may act to protect the integrity of our service.

Action may include:

- Refusing to accept registrations and/or bookings in cases where malpractice is proven for specific apprenticeship standards or qualification titles
- Withdrawal from an apprenticeship standard or qualification
- Stopping access to assessment or suspending delivery of an assessment
- Termination or suspension of the Contract
- Refusing to issue results
- Invalidating claims for a certificate
- Individuals barred from involvement in the delivery of our qualifications/assessments for a specified period of time

Specifically, for apprentices and learners involved in malpractice:

- Assessment outcome declared as fail,
- Disqualification from all components
- Assessment evidence disallowed
- Written warnings

Should a contracted customer or partner, a member of its staff or a learner or apprentice wish to appeal against any action to be taken following an investigation, please refer to the OR Society's Enquiries about Results and Appeals Policy.

If an investigation confirms that malpractice or maladministration has occurred, we will review our systems and procedures and make any necessary changes to ensure that appropriate checks are in place to prevent a similar situation recurring. This may include amending aspects of our assessment and/or quality assurance arrangements and associated guidance. The Qualification Operations Manager will record lessons learned from the investigation and pass these on to relevant internal colleagues to help us prevent a recurrence.

Relevant third parties may be informed of our findings in case they need to take relevant action.

Notifying the Outcome

The Qualification Operations Manager will inform the contracted customer of the outcome of the Investigation detailing any actions put in place to mitigate the malpractice and maladministration or sanctions that have been determined, including any action to be taken against a member of staff, a learner or an apprentice.

The Qualification Operations Manager is responsible for ensuring that the actions and mitigation are understood, that progress is tracked, and the satisfactory completion of actions achieved.

The Qualification Operations Manager will determine if the implementation of any required actions has been sufficient to remove a sanction or reduce the level of sanction. If the actions or mitigation is not completed, they may consider a higher sanction to be applied in line with the Sanctions Policy, as a preventative measure to protect the interests of learners and apprentices.

Allegations Involving OR Society Staff or Contractors

The OR Society takes positive steps to limit and avoid malpractice and maladministration by its staff and any third party it contracts or consults with as part of the design, development, delivery, resulting and awarding of its qualifications.

We do this through our secure administrative systems, employment and contractual procedures, conflicts of interest process and regular training and standardisation events.

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

Their investigation report and any action required to protect the integrity and standard of a qualification will be agreed with the Governing Board. The relevant internal staff members will be informed, and the appropriate internal disciplinary procedures implemented.

In cases where the allegation relates to the Responsible Officer, the Executive Director will undertake the investigation and agree any action required to protect the integrity and standard of a qualification and its assessment with the Board.

The Executive Director will also agree on the appropriate internal disciplinary procedures to be implemented.

Where allegations of malpractice and/or maladministration relate to a consultant or contractor working for the OR Society, the investigation will be undertaken by the Responsible Officer. Their 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, will be agreed with a member of the Board.

Policy Review

Ofqual may require the OR Society to change this policy at any time to ensure compliance with its requirements.

This policy is reviewed as part of the OR Society's continuous improvement monitoring through its annual self-assessment arrangements. It may be



reviewed earlier should any feedback or concern be brought to the attention of the OR Society to ensure it remains fit for purpose and the process and its outcomes are deliverable.