



Policies

Railway Competence Group

Malpractice and Maladministration Policy

This policy applies to all candidates, assessors, and EPAO staff members involved in the assessment process. It covers all forms of malpractice and maladministration, including cheating, plagiarism, providing false information, tampering with assessment materials, administrative errors, and failure to follow established procedures.

Railway Competence Group will support the application of policy and processes, and ensure staff and contractors are required to report suspected wrongdoings and are transparent about all activities. Any suspected failings will always be investigated, and appropriate action will be taken where necessary.

Procedures

Definition of Malpractice

Malpractice generally involves some form of intent in any wrong doing. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Where bias or discrimination is found could also lead to malpractice.

Two of the clearest examples of potential malpractice are:

- cheating, or facilitating cheating, in an assessment; and
- attempting intentionally to manipulate a result so that it does not reflect the apprentice's actual performance in an assessment.

Examples of Malpractice (not exhaustive)

Here are some examples of malpractice. This list is not exhaustive and is only intended as guidance on the term malpractice as used by Railway Competence Group:

- Providing fraudulent certificates for Gateway.
- Withholding information that is critical to maintaining quality assurance and standards.
- Exam/assessment collusion or permitting collusion.
- Plagiarism by apprentices.
- False information submitted to gain access to End-Point Assessment.
- False identification used to access End-Point Assessment.
- False record creation.
- Impersonation of an apprentice for an assessment.
- A misuse of technology during end-point assessments.
- A threat or abusive behaviour that is intended to influence the outcome of the end-point assessment.

Definition of Maladministration

Maladministration generally covers mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude or may be a result of carelessness or inexperience.

The following are some more obvious examples of maladministration:

- faulty procedures.
- failure to follow correct procedures.
- poor record keeping.

- inadvertently giving misleading or inadequate information.

Examples of Maladministration (not exhaustive)

- A failure to comply with Railway Competence Group processes and procedures.
- Unreasonable delays in responding to requests or communications.
- Failure to maintain appropriate auditable records.

Reporting

If you suspect or have knowledge of malpractice or maladministration, please notify the Compliance Manager immediately. You can do this by email liz.rowlands@rcg.org.uk or calling RCG's office 03301332470.

Responsibility for the Investigation

The Compliance Manager will investigate any suspected malpractice or maladministration promptly and take all reasonable measures to prevent any adverse effect.

- The Compliance Manager will investigate all allegations of malpractice and maladministration.
- The Compliance Manager has the appropriate competency to undertake investigations and is conversant in Railway Competence Group's policies and procedures.

Notifying Relevant Parties

Should they believe an incident of malpractice or maladministration has occurred, the Compliance Manager will inform the management team.

Railway Competence Group must promptly notify Ofqual when it has cause to believe that an event has occurred, or is likely to occur, which could have an adverse effect.

Railway Competence Group has a particular obligation to promptly notify Ofqual where it has cause to believe that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification/EPA or could affect another awarding organisation.

Investigation Timelines and Summary Process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of any allegations. Please note that in some cases the investigation may take longer, if this is the case RCG will advise the individuals/organisations concerned within 10 working days of the allegation.

We will investigate in a fair, reasonable, and legal way, ensuring that all relevant evidence is considered without bias, based around the following broad objectives:

- To determine whether there is any evidence of malpractice and/or maladministration.
- To identify what malpractice and/or maladministration has taken place.
- To determine the extent of any malpractice or maladministration.
- To assess any action already taken.
- To determine if any remedial action is necessary to reduce risk and preserve the integrity of any qualifications/EPA arrangements or outcomes that relate to the Railway Competence Group.
- To review the case for any lessons and wider impact.
- To notify the organisation/individual of findings.

Railway Competence Group strive to ensure that every investigation is confidential to those concerned.

During the investigation, relevant parties may be asked for more information and/or interviewed. Railway Competence Group expects all parties directly or indirectly involved in the investigation to cooperate fully with the investigation. Failure to do so may lead to disciplinary action or termination of services/contracts.

Railway Competence Group ensures that any materials collected during an investigation are kept secure.

Taking action /Sanctions

At any time during an investigation or upon notification of suspected or actual malpractice or maladministration, Railway Competence Group has the right to take action or impose sanctions against an organisation to protect apprentices' interests and the integrity of the qualification/EPA.

The type of action or severity of a sanction would depend upon the seriousness of the situation and any malpractice/maladministration finding.

Examples of actions or sanctions against organisations:

- A letter of warning from RCG that outlines the misconduct and if the issue is not remedied what further action or consequences may follow.
- An administrative fee or additional charges to be levied on an organisation by RCG to cover costs relating to additional work required by RCG to remedy a situation.
- An Action Plan being put in place by the organisation, where RCG may specify for example the support an apprentice requires to progress, setting out requirements for any additional training or support for the apprentice.
- A letter of intent that RCG will no longer work with the organisation unless they provide evidence of their resolution of the issue identified.
- Examples of actions that could be taken against an individual, for example where plagiarism or falsified work is found:
- A letter of warning from RCG to the individual, potential disciplinary process/dismissal.
- A letter informing an employer or training provider of an individual's malpractice/maladministration that requires investigation.
- Being barred from delivering assessment(s) for a set period of time/indefinitely dependant on the situation potential for re-training etc.
- Removal of the individual's ability to re-take or resit assessments with RCG.

Railway Competence Group reserve the right to withhold the processing of results or a certificate if malpractice/maladministration are suspected/proven.

In the event of an investigation involving Railway Competence Group staff or contractors, the individual may be suspended or reassigned to other duties. Any third parties may have contracts suspended whilst investigations take place.

During an investigation, the Compliance Manager will ensure that due process is being followed, appropriate evidence has been gathered and reviewed, and that relevant parties are kept informed.

Where the outcome of a case may affect another awarding organisation/EPAO, Railway Competence Group will also inform the organisation, as per regulatory requirements.

Investigation Report

An investigation may have implications for individuals/ employers/ training providers if this is the case, based upon sufficient evidence. We will:

- Provide details of the evidence supporting a judgment or outcome.
- Identify the area of malpractice/maladministration.
- Identify who is responsible for the malpractice/maladministration.
- Determine the appropriate level of remedial action, including any restrictions or sanctions as deemed necessary by the investigation findings.
- Let them know that information about the allegation and investigation may be shared with the regulators and other relevant parties.
- Give them a chance to consider and respond to the allegation and our findings.
- Inform them of Railway Competence Group's Appeals Policy/Procedure.

Appeals

An individual or organisation may appeal against the findings and/or any action/sanctions associated with the investigation. To do this they must follow the Complaints and Appeals Policy/Procedure.

Review

RCG will review and update the malpractice and maladministration policy as necessary (annually as a minimum) to ensure ongoing compliance with the conditions for recognition set by Ofqual.

Last Reviewed 13/02/23.

RCG



0330 133 2470



epa@rcg.org.uk



Albion Wharf, 19 Albion Street, Manchester
M1 5LN

www.rcg.org.uk