



ECITB Awarding Organisation Malpractice, Maladministration and Whistleblowing Policy and Procedures RV2-4

April 2024

Contents

Introduction	3
Definitions.....	4
Malpractice	4
Maladministration.....	4
Regulatory authorities	4
Approved Centres' responsibility	4
The use of artificial intelligence	6
Impact of malpractice and maladministration.....	6
Identification of malpractice and maladministration.....	7
Notification procedure.....	8
Process for sending correspondence with personal or sensitive data.....	9
Confidentiality and whistleblowing.....	9
ECITB investigation procedure.....	10
Responsibility for the investigation.....	10
ECITB notification to relevant parties.....	10
The investigation.....	11
Rights of individuals	12
Investigation evidence disclosure	13
The decision and outcomes	13
Communicating the decision.....	14
Right of appeal.....	15
Review arrangements.....	15
Contact us.....	16
Appendix 1 - ECITB guidance for approved centres on conducting an investigation	17
Appendix 2 - Examples of malpractice	20
Approved Centre staff malpractice.....	20
Appendix 3 - Malpractice report.....	25

Introduction

Malpractice and maladministration are two distinct, but related concepts.

In broad terms, maladministration generally covers mistakes, or poor process where there has been no intention on the part of an individual to do any harm. By contrast, malpractice will generally involve some form of intent, negligence or recklessness as to the consequences of their actions.

This policy relates to suspected, alleged, or actual malpractice and maladministration on the part of ECITB Awarding Organisation (ECITB) approved Centres, including ECITB registered candidates, approved Centre staff and any others involved in the delivery and/or assessment of ECITB qualifications.

This policy is for use by:

- ECITB approved Centres delivering ECITB's qualifications
- Candidates registered on an ECITB qualification by an approved Centre
- ECITB staff to ensure that all malpractice and maladministration investigations are dealt with in a consistent manner
- The wider stakeholder community.

The ECITB welcomes feedback on concerns from any member of the public or organisation regarding the delivery and award of ECITB qualifications.

Maintaining the integrity of ECITB qualifications is critically important to us and incidents of malpractice and maladministration can adversely affect candidates and undermine public confidence in the delivery and award of ECITB qualifications. For this reason, malpractice and maladministration incidents are treated very seriously.

This policy sets out the procedural steps that approved Centres, registered candidates, and others must follow in relation to suspected, alleged or actual malpractice/maladministration and the ECITB's responsibilities in dealing with such cases. It also sets out the procedural steps that will be followed by ECITB when reviewing suspected incidents of malpractice or maladministration, as well as guidance for all parties on conducting timely and effective investigations.

Incidents of proven malpractice or maladministration may result in:

- restrictions or sanctions being imposed on individuals and/or on approved Centres, and/or;
- removal of approval to deliver ECITB qualifications for approved Centre staff and/or disqualification for candidates; and/or;
- immediate removal of approved Centre status.

Definitions

Malpractice

Malpractice (which includes maladministration) is any activity, neglect, default or other practice which:

- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate;
and/or
- damages the authority, reputation or credibility of the ECITB, its officers, employees or agents, or of any awarding organisation/Approved Centre and its officers, employees or agents;
and/or
- contravenes regulations, including the applicable qualification regulator's Conditions of Recognition and/or Regulatory Principles and Directives.

For the purpose of this policy this term also covers misconduct and forms of unlawful discrimination, harassment or bias towards individuals or groups of candidates.

Maladministration

Maladministration is essentially any activity, neglect, default or other practice which results in non-compliance with administrative regulations and requirements (including ECITB approved Centre requirements) and includes the application of persistent mistakes or poor administration within an approved Centre (e.g. inadequate candidate records), and non-compliance with ECITB policies.

Regulatory authorities

ECITB is regulated by Ofqual, SQA Accreditation and Qualifications Wales (the Regulators). We are required to comply with Ofqual's General Conditions of Recognition, SQA Accreditation's Regulatory Principles and Qualification Wales Standard Conditions of Recognition.

Every attempt has been made to ensure that the contents of this policy are consistent with the requirements of the Regulators. Where regulatory requirements are amended and require change, such changes will be made as soon as practicable.

Approved Centres' responsibility

Approved Centre staff (including any contractors/partners), involved in the management, assessment, and quality assurance of ECITB qualifications, and candidates, must be fully aware of the contents of this policy and the guidance offered.

Approved Centres have a responsibility, as outlined in the approved Centre Agreement, to take all reasonable steps to prevent instances of malpractice and maladministration. An approved Centre must ensure:

- it establishes, maintains, publishes and complies with procedures for the investigation of suspected or alleged malpractice or maladministration, approved Centre procedures should be complementary to any relevant ECITB policy or procedure, including this one
- they have in place and are able to evidence appropriate internal controls for the prevention, detection and management of malpractice and maladministration
- all staff are aware of the approved Centre policies and procedures and receive appropriate training on these
- all staff have clearly defined roles and responsibilities
- there is a documented internal quality assurance procedure in place that is subject to regular internal review
- there are documented internal standardisation arrangements in place, and evidence that these take place at regular intervals throughout the year (evidence must be made available upon request)
- candidates are informed of their roles and responsibilities, including avoiding any activity that may be deemed to be malpractice and therefore jeopardise the achievement of their potential qualification
- all assessment and internal quality assurance activities are accurately recorded and carried out in accordance with the approved Centre's internal quality assurance arrangements
- all registration records, assessment documentation and certification claims, are subject to appropriate internal review before submission to ECITB.

Failure to report suspected or actual malpractice/maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to restrictions or sanctions being imposed on the approved Centre. See ECITB Awarding Organisation *Restrictions and Sanctions Policy* for more details.

Approved Centres may use this document to assist them with the delivery of ECITB qualifications and/or tailor its content for their own internal procedures and operational needs. It is not intended that this is the only approach acceptable to ECITB in relation to the management and prevention of malpractice and maladministration; nor is it intended to imply that it will guarantee compliance with ECITB requirements.

ECITB will periodically review approved Centres' compliance with this policy through ongoing Centre external quality assurance monitoring arrangements.

The use of artificial intelligence

Assessing or marking a candidate's work

The use of artificial intelligence (AI) as the sole form of assessing or marking a candidate's work is not permitted.

If, after careful consideration, a Centre decides it is appropriate for their Assessors to use AI tools to help assess / mark candidates work, an AI tool cannot be the sole marker. A human Assessor must review all work a candidate produces in its entirety and decide the assessment outcome they feel it warrants, regardless of the outcomes of an AI tool. The Assessor is responsible for the sign-off of all units and the final awarding of the qualification.

Candidates use of AI

While there may be benefits to using AI in some situations, for example for learning about a new topic, there is the potential for it to be misused by candidates, either accidentally or intentionally, for summative assessment purposes (i.e. assessment that contributes to the result of a qualification). AI misuse, in that it involves a candidate submitting work for assessments which is not their own, will be considered a form of plagiarism.

During the assessment process, Assessors must assure themselves that the work produced by candidates is authentically the candidates own work.

Impact of malpractice and maladministration

For the purposes of this policy, both malpractice and maladministration cover actions, neglect, default or other practice that compromise or could compromise:

- the integrity of the internal or external assessment process;
- the integrity of a regulated qualification;
- the integrity of the quality assurance process;
- the validity of a result or certificate;
- the reputation and credibility of ECITB;
- the reputation and credibility of the regulator of qualifications;
- confidence by the end user, including candidates and customers (employers and their clients); or the wider qualifications community.

Identification of malpractice and maladministration

Instances of malpractice and maladministration arise for a variety of reasons:

- some are intentional actions which for example aim to give an unfair advantage in an examination, or assessment or reduce the costs associated with the delivery of the qualifications;
- some arise due to a lack of knowledge or understanding of the ECITB requirements or carelessness/forgetfulness in applying them;

Further examples of malpractice and maladministration can be found in Appendix 2.

Suspected malpractice and maladministration may be identified by a variety of people, including:

- candidates;
- teachers/trainers, invigilators, assessors or others responsible for the conduct, administration or quality assurance of examinations;
- whistle-blowers;
- employees of ECITB;
- regulators;
- other third parties e.g. parents, friends or members of the public.

When any allegation of malpractice or maladministration is raised, the ECITB will conduct a full investigation and will take action with respect to the individual(s) concerned as is necessary to maintain the integrity of ECITB qualifications and to be fair to the approved Centre and all candidates.

It will also seek to keep abreast of any potential incidents by maintaining on-going quality assurance activities and monitoring and reviewing intelligence, complaints or feedback received.

The ECITB will maintain a log of all allegations, including those that were not investigated, which can be referred to in the event that new information is provided.

Notification procedure

Approved Centres may conduct a preliminary investigation to determine the validity of an allegation prior to formally notifying us. When doing so approved Centres must ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation (see further guidance on the conduct of investigations at *Appendix 1*). The approved Centre must notify us immediately if they suspect malpractice or maladministration has occurred, or within 48 hours from the start of any preliminary investigation.

ECITB have a responsibility to the regulators to report any incident that has the potential to cause an adverse effect and to ensure that all investigations are carried out rigorously and effectively. Any failure to report suspected or actual malpractice or maladministration may lead to sanctions being imposed on a Centre, such as those outlined in the *ECITB Awarding Organisation Restrictions and Sanctions Policy*.

Any other stakeholder to whom this policy applies must notify ECITB immediately if they become aware of suspected, alleged, or actual cases of malpractice or maladministration.

Stakeholders can report their concerns to the ECITB verbally in person or by telephone, by post or email using the contact details provided at the end of this document. If the information is provided by telephone or in person, the informant will usually be asked to confirm the allegation in writing.

All notifications of suspected malpractice / maladministration must include (wherever possible):

- approved Centre's name, address and telephone number
- name, position and contact details of the individual making the allegation(s)
- candidate's name and ECITB registration number (if applicable);
- date and time of incident
- approved Centre/ECITB personnel's details (name, job role) if they are involved in the matter (e.g. assessor, parent etc.)
- details of the ECITB qualification affected or nature of the service affected
- nature of the suspected, alleged or actual malpractice, including details as to how it was discovered and when
- details and outcome of any preliminary investigation carried out by an approved Centre, or anybody else involved in the case, including any mitigating circumstances and/or actions taken
- information setting out whether candidate(s) may have been unfairly advantaged or disadvantaged by the suspected malpractice / maladministration, reasoning must be provided.

Notification of suspected malpractice / maladministration will normally be acknowledged:

- no later than **5 working days** from receipt for correspondence sent via email to: qualifications@ecitb.org.uk
- no later than **15 working days** from receipt for any correspondence sent via post.

Process for sending correspondence with personal or sensitive data

Before sending any information or data to the ECITB that contains staff (including contractors) and/or candidate personal details that could be attributed to an individual and/or information that includes sensitive data about an individual, you are required to request a ShareFile link from qualifications@ecitb.org.uk.

The ECITB will respond by sending an email from qualifications@ecitb.org.uk containing the wording 'Click here to upload files'. This enables you to upload your files to the ECITB secure ShareFile system.

No personal or sensitive data should be sent via email as this method of transferring data is less secure than ShareFile.

Should you be sending such data by post, please mark the correspondence 'Confidential – For the Attention of the Awarding Organisation'.

Confidentiality and whistleblowing

Any person should report suspected malpractice or maladministration as soon as possible and recognise that in doing so sometimes a person notifying suspected, alleged, or actual malpractice or maladministration may wish to remain anonymous.

If an individual is concerned about possible adverse consequences of their identity being disclosed outside of the ECITB, they may request us not to divulge their identity. However, an individual should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure.

Whilst confidentiality will be maintained as far as possible where asked to do so, this cannot be guaranteed and it may not be possible to entirely anonymise individuals during the course of an investigation.

The ECITB may also be legally obliged to disclose an individual's identity or documentation to the police or other law enforcement bodies, however all reasonable steps will be taken to inform the affected party in advance in such scenarios.

Wholly anonymous notifications will be acted upon if there is sufficient supporting evidence, or if the nature of the allegation warrants it.

ECITB investigation procedure

Responsibility for the investigation

In accordance with regulatory requirements, suspected cases of malpractice and maladministration will be investigated promptly by the ECITB to establish if malpractice or maladministration has occurred. All reasonable steps will be taken to prevent any adverse effect (as defined by the regulator) from occurring. In some instances, where insufficient detail or evidence of the alleged malpractice has been submitted by a complainant or whistle-blower, it may not be possible for the ECITB to investigate the matter without further information.

The Awarding Organisation Operations and Compliance Manager, to the extent that they are not conflicted, has overall responsibility for all investigations and outcomes, including nominating an investigator if required and ensuring that this procedure is being followed, appropriate evidence has been gathered and reviewed, liaising with and keeping informed relevant parties, deciding on the outcome and finalising the Malpractice Report.

Where any potential conflict of interest affecting the ability of the Operations and Compliance Manager to carry out these duties impartially and independently exists, and/or in case of absence, an alternative Awarding Organisation member of staff will be appointed to undertake these duties.

The investigator will conduct the investigation to establish whether or not malpractice or maladministration has occurred, and review any supporting evidence received or gathered.

At all times personnel assigned to the investigation will have the appropriate level of competence and no personal interest in the area investigated.

ECITB notification to relevant parties

In all cases of suspected or alleged malpractice, the approved Centre Coordinator will be notified of the investigation unless this individual is connected to, or implicated in the investigation, in which case an appropriate alternative contact person will be appointed. Approved Centres must take all reasonable steps to cooperate with or assist with any investigations.

In the case of suspected or alleged candidate malpractice, the approved Centre may be asked to investigate the issue in liaison with ECITB personnel – in doing so, details of the person making the allegation may be withheld to avoid any breach, a duty of confidentiality or any other legal duty.

Where applicable, the ECITB will inform the appropriate qualifications regulator if it is believed there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification, cause, or have the potential to cause an adverse effect (as defined by the regulator).

Where the allegation may affect another awarding organisation(s) and their provision they may also be informed. If details of organisations that might be affected is unknown, the issue will be referred to the regulator.

The investigation

The ECITB aims to action and resolve all stages of the initial investigation within **60 working days** of receipt of the allegation. Please note that, in some cases and for reasons beyond ECITB's control, the investigation may take longer; for example, where witnesses are unavailable or where an approved Centre visit is required. In such instances, all parties concerned will be advised of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair and reasonable manner, ensuring that all relevant evidence is considered without bias and appropriately weighed to determine whether – on the balance of probability – malpractice and/or maladministration has occurred, and to determine any appropriate sanctions or actions required to manage risk, prevent reoccurrence and mitigate against any adverse effect. In doing so, investigations will be based around the following broad objectives to:

- establish the facts relating to allegations in order to determine whether any irregularities have occurred
- identify the cause of any irregularities
- identify the people involved in the allegations and/or who may be able to provide relevant information
- establish the scale of the irregularities
- evaluate any action already taken or being undertaken by the approved Centre
- determine whether immediate action is required to reduce the risk to current registered candidates and/or to preserve the integrity of the qualification
- ascertain whether any action is required in respect of results already awarded and/or certificates already issued
- obtain clear evidence to support any restrictions and/or sanctions to be applied to the approved Centre, and/or to members of staff, in accordance with the *ECITB Awarding Organisation Restrictions and Sanctions Policy*
- identify any adverse patterns or trends which may indicate possible cases of malpractice at other approved Centres
- identify and implement any corrective actions required.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel who are either directly, or indirectly involved in the investigation and it is expected that all personnel will fully co-operate. All material collected as part of an investigation is kept secure.

The investigator, along with other senior representatives from the ECITB may, if appropriate, visit an approved Centre which is the subject of the allegation. The investigator may, in the presence of another senior representative from the ECITB, interview any or all persons involved in the allegations. Documentary evidence and records of interviews are to be signed and dated by all persons present. Where the interviewee is a minor or vulnerable adult, an independent member of staff from the approved Centre must be present during any interview and the ECITB will consider the need to have a parent, guardian or carer present, or to have permission from these people prior to the interview taking place.

Either upon notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, the ECITB reserve the right to impose Restrictions and/or Sanctions on an approved Centre in accordance with its *Restrictions and Sanctions Policy* in order to protect the interests of candidates and the integrity of the qualifications, the ECITB and/or public confidence in qualifications.

The ECITB also reserve the right to withhold an approved Centre's, candidate's, and/or cohort's, results for all the ECITB qualifications or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration, until such a time as the investigation is concluded to the satisfaction of the ECITB. Knowledge Tests or other assessment materials may be withheld if the security of a knowledge test, examination or assessment is considered at risk pending the outcome of the investigation.

Where evidence of criminal acts is found or suspected during the investigation, the relevant facts will be reported to the appropriate authority.

Where a member of ECITB's staff is under investigation they may be suspended or moved to other duties until the investigation is complete.

In circumstances where the complexity of a case or a lack of cooperation from an approved Centre and/or individual means that it is not possible to fully complete an investigation, the ECITB will conclude the investigation taking into account any evidence that is available and recording the lack of cooperation within the final investigation report. The may also consult with the relevant regulatory authority.

Rights of individuals

All individuals involved, or alleged to be involved, in cases of malpractice or maladministration will be informed of the allegation and the initial evidence that supports the allegation. They will be given an opportunity to consider their response to the allegation by submitting a written statement and to seek advice, should they wish to. They will be informed of the potential consequences if the allegation is proven and of the possibility other parties, such as the regulator or the police, might have to be informed.

Individuals can exercise the right to be accompanied by a person of their choice if interviews are held.

Investigation evidence disclosure

On completion of the investigation, the evidence and findings of the investigation will be notified to the persons concerned in writing, usually within **20 working days** of the completion of the investigation.

It may not be appropriate to disclose full details of the investigation due to confidentiality or legal reasons.

Persons concerned will be asked to consider only the accuracy of the findings, at this stage no additional evidence will be accepted as the investigation is complete. Persons concerned may request factual corrections/amendments. The ECITB reserves the right to disagree with any requests for corrections or amendments, and/or may request that the persons concerned submit supporting evidence that demonstrates that the findings are not factually correct, any request will be noted when finalising the malpractice report.

Evidence disclosure will not include any decision as to whether there has been deemed to be malpractice or maladministration, or any information relating to any proposed restrictions, sanctions or other actions resulting from any findings. A decision will be reached by the ECITB and the Malpractice Report finalised, only following consideration of any response to the evidence disclosure.

The decision and outcomes

Following the process of evidence disclosure, the evidence and findings will be evaluated and recorded in a Malpractice Report, as per Appendix 3. If the investigation confirms that on the balance of probability malpractice or maladministration has taken place, actions will be taken to:

- minimise the risk to the integrity of certification now and in the future
- maintain public confidence in the delivery and awarding of ECITB qualifications
- discourage others from carrying out similar instances of malpractice or maladministration
- ensure there has been no gain from compromising ECITB standards.

The actions taken may include, but are not limited to:

- imposing actions on an approved Centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from recurring
- imposing restrictions or sanctions on the approved Centre – if so these will be communicated in accordance with the *ECITB Awarding Organisation Restrictions and Sanctions Policy* along with the rationale for the sanction(s) imposed

- in cases where certificates are deemed to be invalid, inform the approved Centre concerned and the regulators why they are invalid and of any action to be taken for reassessment and/or for the withdrawal of the certificates. Approved Centres are required to inform the affected candidates of any action/s and that their original certificates are invalid and request to return the invalid certificates to the approved Centre/ECITB. The ECITB database will be amended so that duplicates of the invalid certificates cannot be issued and the approved Centre must amend their records to show that the original awards are invalid
- evaluating and recording lessons learnt from the investigation (including passing this information to relevant internal colleagues) and, if necessary, undertaking a review of relevant policies and/or amending aspects of the ECITB's processes and associated guidance to prevent the issue from recurring
- informing relevant third parties (e.g. other awarding organisations, regulators, funding bodies or public authorities) and/or other ECITB departments, in case they need to take relevant action in relation to any approved Centre, candidate and/or individual.

A finding on the balance of probability of malpractice or maladministration may also give rise to the right of the ECITB to provide written notice, or immediately terminate the Approved Centre Agreement and ECITB reserves the right to charge the approved Centre for any additional fees associated with remedial action.

Should the ECITB become aware of additional information relating to any previous malpractice investigation that has an impact on the outcome of a malpractice or maladministration investigation, regardless of when the decision was made and/or communicated, the ECITB reserve the right to review the additional information and change the decision, this will be communicated to all parties as outlined below.

Communicating the decision

Once a decision has been made, it will be communicated in writing to the approved Centre Coordinator, candidate and/or other individuals **within 20 working days**. It is the responsibility of the approved Centre Co-ordinator to communicate the decision to the individuals concerned and inform the individuals that information may be shared as outlined in this policy. Approved Centre Coordinators are also responsible for communicating the details of any sanctions to other relevant centre staff and for overseeing the completion of any action in cases where this is indicated.

In instances where the qualifications regulator/s were notified of the investigation and/or where the outcome of the investigation indicates an actual or potential adverse effect, the Malpractice Report will be submitted with the findings, outcome and any further actions within **20 working days** of a decision being reached.

In addition, the ECITB will inform other approved Centres and/or awarding organisations and/or other relevant ECITB departments if the malpractice/maladministration, or any connected occurrence, has the potential to affect them.

Where it is found that a teacher/trainer has engaged in malpractice or maladministration, ECITB will ensure that the Teaching Regulation Agency (TRA), or any organisation that carries out a substantively similar function in England or another jurisdiction, is notified. In considering whether or not such a referral is appropriate, ECITB will consider whether:

- the teacher/trainer in question is subject to professional regulation by the TRA or other teaching regulator; and
- the malpractice identified is serious based on the facts of the case and the seriousness of the sanction imposed by the awarding organisation.

If suspected or actual malpractice was notified by an independent/third party they may also be informed of the outcome within **20 working days** of the decision, if doing so does not result in any breach of confidence.

If it is an internal investigation against a member of ECITB staff, the report will be agreed by the Head of Awarding Organisation and their ECITB Director and any appropriate internal corrective action procedures will be implemented.

Right of appeal

Appeals against the outcome of a malpractice / maladministration investigation can only be submitted by an approved Centre. It is the responsibility of the Centre to obtain written consent from the candidate prior to submitting an appeal.

For more information, please refer to *ECITBs Appeals Policy and Procedures* available on our website.

Review arrangements

To ensure this policy remains relevant, useful and fit for purpose, it will be reviewed along with associated procedures every three years. There may be instances however that trigger the need to review the policy earlier, such as, in response to customer, candidate or regulatory feedback, or trends that emerge from malpractice / maladministration investigations.



Contact us

If you have any queries about any aspect of this policy, please contact:

The Awarding Organisation

Engineering Construction Industry Training Board

Office F15, Kings House Business Centre, Home Park Estate, Station Road, Kings Langley, Herts, WD4 8LZ

Telephone: 01923 260 000

Email: Qualifications@ecitb.org.uk

Website: www.ecitb.org.uk

Appendix 1 - ECITB guidance for approved centres on conducting an investigation

To assist approved Centres with embedding effective arrangements to investigate instances of malpractice/maladministration, the following process is recommended. It is intended that the stages involve generic key activities, however not all these may be implemented in every case. ECITB will provide further guidance to approved Centres about how best to prevent, investigate and deal with malpractice and maladministration upon request.

Those appointed to investigate an allegation must have appropriate knowledge and experience to enable them to conduct the investigation effectively. They must not have a personal interest in the outcome of the investigation and must not have been involved in the circumstances giving rise to the allegation of malpractice or maladministration.

The ECITB must be notified immediately of any allegation of malpractice or maladministration, regardless of whether the approved Centre decides to undertake its own investigation. No steps should be taken by an approved Centre that may prejudice ECITB's own investigation.

Stage 1: Briefing and record-keeping

Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role.

All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

The person assigning the investigating officer(s) should stipulate and provide secure storage arrangements for all material evidence associated with an investigation in case of any subsequent legal challenge. There may be occasions when a joint investigation occurs with ECITB, with the roles of the two teams being clarified by ECITB. It is the approved Centre's responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow in the investigation.

Stage 2: Reviewing the evidence

Investigators should review the evidence and associated documentation, including relevant ECITB guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined are:

- what occurred (nature of malpractice/substance of the allegations)
- why the incident occurred
- who was involved in the incident
- when it occurred
- where it occurred – there may be more than one location
- what action, if any, the approved Centre has taken

Stage 3: Interviews

Interviews should be thoroughly prepared, conducted appropriately and underpinned by clear records. Interviewers may find it helpful to use the 'PEACE' technique:

- plan and prepare
- engage and explain
- account
- closure
- evaluation

Face-to-face and remote interviews should normally be conducted by two people with one person primarily acting as the interviewer and the other as note-taker.

Those being interviewed should be informed that they may have another individual of their choosing present, but that they must not answer questions on the interviewee's behalf. If the person being interviewed is a minor or a vulnerable adult, an interview should only be conducted in the presence of an appropriate adult, or following permission being given from a parent, guardian or carer (as appropriate) prior to the interview taking place. These arrangements aim to protect the rights of all individuals.

Stage 4: Other contacts

In some cases, candidates or employers may need to be contacted for facts and information. This may be done via face-to-face or remote interviews, telephone interviews, by post or email.

Whichever method is used, the investigator should have a set of prepared questions. The responses should be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

Stage 5: Documentary evidence

Wherever possible, documentary evidence should be authenticated by reference to the author; this may include asking candidates and others to confirm handwriting, dates and signatures.

Receipts should be given for any documentation removed from an approved Centre.

Independent expert opinion may be obtained from subject specialists about a candidate's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Conclusions

Once the investigators have gathered and reviewed all relevant evidence, a decision should be made on the outcome.

Stage 7: Reporting

A draft report should be prepared and comments sought from relevant parties as to factual accuracy. The final report should be submitted to Centre Coordinator or other relevant senior staff member for review and sign-off and shared with ECITB and relevant parties within your organisation.

Where it is found that a teacher/trainer has disclosed confidential assessment information, the approved Centre must, where appropriate, ensure that the Teaching Regulation Agency, or any organisation that carries out the same function in England or another jurisdiction, is notified.

Stage 8: Actions

Any resultant action plan must be implemented and monitored appropriately and ECITB notified.

Appendix 2 - Examples of malpractice

Approved Centre staff malpractice

Approved Centre staff malpractice means malpractice committed by:

- a member of staff, contractor (whether employed under a contract of employment or a contract for services), or a volunteer at an approved Centre; or
- an individual appointed in another capacity by an approved Centre such as an invigilator, a communication professional, an oral language modifier, a practical assistant, a prompter, a reader, scribe, or an individual providing marking or other services.

The following are examples of approved Centre staff malpractice, this list is not exhaustive and does not limit the scope of the definitions set out earlier in this document:

Breach of security

Any act which risks breaching the confidentiality of question papers or materials (including their electronic equivalents), or the confidentiality of candidates' scripts (or their electronic equivalents). This could involve:

- failure to keep assessment material secure prior to a knowledge test or other assessment
- revealing information about knowledge tests and assessments that should be kept confidential
- failure to adequately supervise candidates who have been affected by a timetable variation (including where a knowledge test is to be taken in an earlier or later session on the scheduled day)
- permitting, facilitating or obtaining unauthorised access to knowledge test or assessment material prior to a knowledge test or assessment being taken by candidates
- tampering with knowledge tests or assessments after completion by candidates
- failure to keep candidates' computer files secure which contain portfolios of evidence
- unauthorised use of inappropriate materials and/or equipment in assessment settings.

Deception

Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in a test or assessment. This could involve:

- assisting candidates in the production of their portfolios of evidence, beyond that permitted by the qualification requirements
- sharing or lending candidates' portfolios of evidence with other candidates in a way which allows malpractice to take place
- assisting or prompting candidates with the production of answers and responses
- permitting candidates in a test or assessment to access prohibited materials (dictionaries, calculators etc.)
- prompting candidates in a test or assessment by means of signs, or verbal or written prompts
- assisting candidates granted the use of a communication professional, an oral language modifier, a practical assistant, a prompter, a reader or a scribe beyond that permitted by the qualification requirements and/or approved by ECITB.

Failure to cooperate with an investigation, including:

- failure to make available information reasonably requested by ECITB and/or its regulators in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or
- failure to investigate on request in accordance with ECITB's instructions or advice; and/or
- failure to investigate or provide information according to agreed deadlines; and/or
- failure to immediately report all alleged, suspected or actual incidents of malpractice.

ECITB and regulatory requirements

- denial of access to premises, records, information, candidates and staff to any ECITB representative and/or the regulators
- failure to undertake internal assessment and quality assurance in accordance with ECITB requirements
- failure to adhere to ECITB assessment requirements.

Maladministration

Failure to adhere to the ECITB and regulatory requirements, including the conduct of knowledge tests and assessments, or malpractice in the conduct of knowledge tests or assessments and/or the handling of knowledge tests, assessment records, results and certificate claim forms, etc. This would include:

- failure to ensure that candidates' portfolio of evidence is adequately completed and/or monitored and/or supervised
- failure to ensure that the test/assessment venue conforms to ECITB's requirements
- failure to adequately train invigilators and those facilitating assessment and access arrangements
- failure to issue to candidates the appropriate notices and warnings
- failure to post notices relating to the knowledge test/assessment outside all rooms where tests and assessments are being held
- making unauthorised changes to the test/assessment procedures and timings, including the assessment of unregistered candidates
- unreasonable delays in responding to requests and/or communications from ECITB and/or its regulators
- the introduction of unauthorised material into the test room or assessment venue, either prior to or during the test or assessment; (N.B. this precludes the use of the test room to coach candidates or give subject-specific presentations, including power-point presentations, prior to the start of the test)
- failure to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the test starting
- failure to invigilate examinations and assessment in accordance with ECITB instructions
- failure to have on file for inspection purposes accurate records relating to assessment and claims for certification
- failure to retain candidates' assessments securely after the authentication statements have been signed or the evidence has been assessed

- failure to maintain the security of candidate assessment materials prior to despatch
- failure to adhere to ECITB certification and registration requirements
- failure to notify ECITB immediately of all alleged, suspected or actual incidents of maladministration
- failure to conduct a thorough investigation into suspected test or assessment malpractice when asked to do so by ECITB
- breaching the published arrangements for the release of test and qualification results and certificates
- the inappropriate issue, retention or destruction of certificates
- misuse of ECITB and/or regulatory logo and trademarks, or misrepresentation of a centre's relationship with ECITB, and/or its recognition and approval status.
- failure to adhere to our approved Centre recognition and/or qualification requirements.

Candidate malpractice

Candidate malpractice means malpractice by a candidate in connection with any test or assessment, including the preparation and authentication of any tests, , the compilation of portfolios of assessment evidence and the conduct of any professional or technical discussion.

The following are examples of candidate malpractice, this list is not exhaustive and does not limit the scope of the definitions set out earlier in this document:

- The misuse of artificial intelligence resulting in a candidate submitting work which is not their own, as set out in the use of AI section of this document;
- breach of the instructions/advice of an invigilator, supervisor, or ECITB in relation to the test or assessment rules and regulations
- bringing unauthorised material into the test room or inappropriately annotated texts (in open book examinations)
- being in possession of unauthorised confidential information about a test or assessment
- allowing others to assist in the production of evidence for the portfolio (except where this is permitted, for example in teamwork), or assisting others in the same

- impersonation i.e. assuming the identity of another candidate, or arranging for someone else to take one's place in a test or assessment
- plagiarism i.e. unacknowledged copying from or reproduction of published sources or incomplete referencing
- inclusion of inappropriate, offensive material in test or assessment materials
- deliberately behaving in such a way as to undermine the integrity of the assessment
- collusion with other candidates, including copying other candidates, or allowing work to be copied
- failure to report to the approved Centre or ECITB the fact that there has been unauthorised access to assessment related information
- the use of unauthorised aids during an examination
- disruptive behaviour in the knowledge test or professional/technical discussion
- deliberate submission of false information to gain a qualification
- the alteration or falsification of any assessment document, including witness reports or knowledge test certificates
- the deliberate destruction of another candidate's work.

Appendix 3 - Malpractice report

The ECITB Malpractice Report may include some, or all of the following information:

- a statement of the facts, a detailed account of the circumstances, individuals involved, and any investigations undertaken by the approved Centre
- written statements from approved Centre staff, candidates and/or other individuals as part of the investigation (as appropriate)
- any candidates' work or records relevant to the case
- details of any remedial action being taken by the approved Centre to ensure the integrity of the qualification now and in the future
- a description of any mitigating factors that should be considered
- the decision reached by ECITB as to whether ECITB suspects malpractice/maladministration has taken place
- any remedial action to be applied (if appropriate)
- the level of restriction and/or sanction to be applied (if applicable)
- whether or not a regulator or other awarding organisations are to be subsequently informed.