



Investigation Procedure

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Policy Review

Version	Date	Change History	Reviewed By	Implementation Date:	Next Review Date
2	13/12/2025	Better aligned to Ofqual Conditions A6, A7, A8, B1, with parent-centre handling strengthened	QD and BOD	15/12/2025	15/12/2026

1. Overview

Professional Assessment Ltd (PAL) must secure standards across all qualifications and apprenticeship assessments it certificates. As an Ofqual-regulated awarding organisation, PAL must investigate any suspected or actual cases of malpractice, maladministration, complaints, incidents, or appeals fairly, consistently and in line with regulatory expectations. This procedure sets out PAL's investigation process and ensures compliance with Ofqual's General Conditions of Recognition, especially A6 (Identification of Risk), A7 (Management of Incidents), A8 (Malpractice and Maladministration) and B1 (Role of the Responsible Officer).

This procedure is aligned with PAL's approach and acts as a key mechanism for identifying, assessing and escalating potential Adverse Effects, including how PAL logs, manages and reports risk-based incidents.

The term AO is used in this procedure to describe, awarding and assessment organisation activities and also covers EPA (EPAO) activities.

2. Procedure Scope

This procedure addresses how PAL will oversee, organise, conduct, or facilitate an investigation for all suspected or actual incidents of malpractice, maladministration, complaints, incidents and appeals.

The investigative approach will also be applied to any investigations involving PAL personnel, and this procedure will work in conjunction with PAL's Suspension and Sanctions policy and disciplinary policies and procedures and relevant service level agreements terms and conditions.

3. Who Is This Procedure For?

This procedure applies to:

- PAL personnel
- PAL Centre personnel
- Third Party Training Providers/Colleges
- Third-parties commissioned to support investigations
- Learners/Apprentices registered on PAL qualifications/apprenticeships

4. Purpose

PAL aims to prevent Adverse Effects in the delivery, assessment and award of qualifications/apprenticeships. Where issues occur, PAL must investigate promptly and consistently. This procedure ensures investigations:

- Are fair, thorough, and impartial
- Meet regulatory expectations
- Protect learners and the integrity of PAL assessments

5. Definition

An investigation is the formal process used to explore suspected or actual cases of:

- Malpractice
- Maladministration
- Complaints
- Incidents
- Appeals

6. Procedures For Investigations

PAL takes robust steps to prevent Adverse Effects. Where prevention is not possible, all cases must be investigated promptly and in line with this procedure.

The investigation process comprises six stages:

1. Investigation
2. Report
3. Decision
4. Sanctions and Penalties
5. Appeals
6. Record-Keeping

1. Investigation

2. Report

3. Decision

4. Sanctions and penalties

5. Appeals against decisions

6. Maintaining records

6.1 Stage One Investigation Key Principles

- Investigations must be:
- Fair
- Objective
- Evidence-based
- Conducted by individuals with no personal interest in the outcome

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.

6.2 Who Can Conduct the Investigation?

PAL may:

1. Instruct the Centre to investigate
2. Undertake the investigation directly
3. Nominate an independent third party

Centres must be able to demonstrate impartiality and independence when conducting investigations. If conflicts of interest exist, PAL will lead.

6.3 Special Requirements – Parent Centre

The Parent Centre (organisation within the same ownership group as PAL) must never lead an investigation.

PAL will:

- Always lead these investigations
- Use an **independent investigator** wherever possible
- Ensure any PAL staff involved any investigation have had **no direct involvement with the parent centre within the last two years**
- Charge the parent centre for the investigation, under the same terms and conditions PAL applies to all Centres to avoid any perception of preferential treatment

This is required to satisfy Conditions **A4 (Conflicts of Interest)** and **A8.3(b)**.

6.4 Centre- Led Investigations

Centres must:

- Investigate openly and transparently
- Appoint an impartial investigator
- Implement corrective actions
- Report promptly to PAL

All centre-led investigations are funded by the centre

6.5 PAL- Led Investigations

PAL will lead when:

- Serious malpractice is alleged
- A centre is unable to investigate impartially
- Centre staff are implicated
- Fraud or serious assessment breaches are involved

PAL investigations will:

- Be overseen by the Qualifications Director or Business Operations Director
- Involve the Responsible Officer for risk and regulatory notification
- Follow PAL's Risk & Incident Management framework

6.6 Evidence Gathering

Evidence may include:

- Witness statements see appendix one for witness statement form/format
- Records, emails, assessment materials
- Photographs or screen captures
- Centre policies

Investigators must remember that allegations are not proof.

6.7 Site Visits / Remote Access

PAL may:

- Conduct pre-arranged or unannounced visits
- Require evidence within 24 hours
- Request historic versions of documents
- Charge visit costs to centres

6.8 Summary Procedures

Where evidence is clear and uncontested, PAL may apply sanctions without a full investigation.

Where there is clear evidence of wrongdoing, which is not contested by the Centre, Third Party Provider or individual PAL may elect not to undertake or request that an investigation takes place and invoke a summary sanctions procedure.

However, if the PAL’s Quality and Standards Committee advise PAL’s Board of Directors believes that an investigation will support safe assessment and quality assurance practices in the future, they can request an investigation to review the case.

Examples of when a summary procedure may be invoked include:

- The initial information available is sufficient for an immediate decision to be made (e.g. offensive language in a Learner’s script). by the Quality and Standards Committee, and PAL’s Board of Directors, to include PAL’s Responsible Officer
- An individual faced with the allegation of malpractice does not dispute the evidence or attempt to offer any defense and accepts responsibility for wrongdoing

In such circumstances, PAL may conclude that malpractice is proven and impose a sanction or sanctions. The individual(s) and Centre affected will be informed of the malpractice findings and notified of the sanctions imposed; the evidence supporting the conclusion of malpractice; that a summary procedure has been invoked; and that they have the right to contest the decision.

6.9 Objectives of Investigations

Investigations must:

- Establish facts and causes
- Evaluate seriousness and impact
- Determine responsibility
- Protect current learners/apprentices
- Recommend remedial actions
- Identify systemic issues
- Recommend policy/procedure changes

Objectives	Details
Establish facts and causes	<ul style="list-style-type: none"> ➤ Establish the facts relating to allegations or acts of malpractice/complaints in order to determine whether any irregularities have occurred and where it is determined and confirmed irregularities have taken place, what led to their occurrence. It is important to remember that just because an allegation has been made it should not be assumed that any irregularity has actually occurred.
Evaluate seriousness and impact	<ul style="list-style-type: none"> ➤ Establish the facts, circumstances, and scale and extent of the irregularities.

Determine responsibility	<ul style="list-style-type: none"> ➤ Identify the cause of the irregularities and those involved.
Protect current learners/apprentices	<ul style="list-style-type: none"> ➤ Identify and, if necessary, take action to minimise the risk to current Learners and requests for certification ➤ Evaluate any action already taken and evaluate whether such action was appropriate.
Recommend remedial actions	<ul style="list-style-type: none"> ➤ Obtain evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with PAL procedures. ➤ Ascertain whether any action is required in respect of certificates already issued.
Identify systemic issues	<ul style="list-style-type: none"> ➤ Identify any patterns or trends related to specific qualifications/apprenticeships, Centre/Third Party/PAL personnel behaviour, systems and processes, or any other significant changes which may have contributed to non-compliant performance

6.10 During the Investigation

Confidentiality

Information must be secure and only shared where lawful or required.

Rights of Individuals

Accused individuals must:

- Be informed of allegations
- Be given time to respond
- Be advised of potential outcomes
- Receive the appeals process

Witness Rights

- Reasonable notice for interviews
- Ability to be accompanied
- Safeguarding for minors/vulnerable adults

Interview Recording

PAL recommends recording interviews and having two investigators present at any interview where possible. PAL will record interviews that it conducts.

Interview Scoping

As part of any investigation planning, it is preferable to plan out who needs to support the investigation, again there can be times, where as a result of the evidence presented by one individual, it becomes apparent that others should be interviewed, who were not initially identified as interviewees. Where this is the case all concerned parties should be advised and PAL's RO must be kept informed of any changes to the initial investigative scope, including the need to interview additional witnesses.

The PAL Director overseeing the investigation must ensure any investigation, PAL or Centre conducted is not overly burdensome and is proportionate to the issue under investigation.

6.11 Investigation Protocols

Principles	Protocols to be followed
<p>Confidentiality</p>	<p>By their very nature investigations usually necessitate access to information that is confidential to an organisation or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to others not involved in the investigation (other than the named third party investigator where appointed to support the investigation, relevant PAL personnel, to include the RO, regulators where regulatory conditions require them to be notified, or the police, where appropriate).</p>
<p>Rights of Individuals</p>	<p>Where an individual is suspected of wrongdoing they will be:</p> <ul style="list-style-type: none"> ➤ 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. ➤ Be informed that they will have the opportunity to read the submission and make an additional statement in response, should the case be malpractice and potentially involve sanctions or disciplinary action ➤ Afforded an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required). ➤ They will also be 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. the regulators, the police, the funding agency, and professional bodies. It will be the Centre's or Third Party Training Provider's (where they are the subject of an investigation) responsibility to advise their personnel of their organisation's relevant policies and procedures to include disciplinary and grievance procedures, capability and performance management approaches and sanctions and suspension policies. ➤ The appeals process will also be communicated to them.
<p>Rights of Individuals - Witnesses and Persons Assisting with the Investigation</p>	<ul style="list-style-type: none"> ➤ During investigations it is probable that individuals will need to be interviewed to gather information on the allegations. ➤ Where Centre or Third Party Training member staff members are interviewed during an investigation that is being carried out by the Centre, or Third Party Provider on behalf of PAL these interviews should be carried out in line with the respective

Principles	Protocols to be followed
	<p>organisation’s policy and procedures (including the policy for conducting disciplinary enquiries). Where PAL conducts the interviews, PAL’s representatives will follow this investigative procedure as far as is practically possible.</p> <ul style="list-style-type: none"> ➤ Witnesses should be given reasonable notice to attend an interview, however there may be times when based on what the investigation uncovers, or peoples’ diaries people may be called for an interview at short notice. ➤ Where a Learner is to be interviewed and they are a minor or a vulnerable adult, the person undertaking the investigation 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. ➤ PAL recommends that interviews are recorded and will advise any interviewee (and witness) that this will take place. Typically, PAL advises that for a face-to-face interview the team comprises of two people, with the second person there primarily to take notes. ➤ 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.

6.12 When does PAL Conduct an Investigation?

PAL will undertake investigations for all cases involving PAL personnel (unless advised otherwise by appropriate regulatory bodies) and for any case involving the Parent Centre. When PAL is conducting investigations, it expects full co-operation from those involved, which includes access to reasonable requests for supporting evidence.

Where PAL conducts investigations involving Centre or Third Party Providers/Colleges, PAL will charge for any reasonable costs incurred as a result of the investigation, where we consider such activities are in excess of our standard service offer.

PAL will also conduct an investigation, where the Centre or Third Party Provider has insufficient capacity to conduct an investigative review, or where the avoidance of conflicts of interest cannot be sufficiently mitigated against and where the matter subject to investigation is a potential matter of fraud,¹ serious malpractice and the situation is either likely to cause an adverse effect or has caused an adverse effect.

7. Data Retention and Reporting

7.1 Protecting Confidentiality/Anonymity

PAL will not normally withhold information from those being investigated about material obtained or created during the course of an investigation into an allegation of malpractice.

¹ For example , in serious cases, if the Head of Centre/key Centre staff are implicated, or if a report involves fraud or a serious breach of assessment security, an investigation will be carried out by PAL. This may involve PAL notifying other third parties who need to know or may be affected – including, for example but not limited to, Ofsted, the Charity Commission, funding bodies and other awarding organisations.

However, PAL must comply with data protection law and specifically it may withhold information where this would involve disclosing the identity of someone who has asked for their identity to remain confidential. Whilst not prescribed bodies covered by the Public Information Disclosure Act, Awarding/Assessment Organisations will comply with such requests where they can reasonably do so in order not to deter individuals from coming forward with legitimate concerns. In such cases, the Awarding Organisation will withhold information that would reveal the person's identity and will explain why the withheld information cannot be provided. This may include redacting information from the original allegation received.

7.2 Maintaining Records

Centres and Third Party Providers must retain the following associated with any investigation:

- Reports
- Statements
- Evidence
- Action plans

PAL will retain records per our Data Protection and procedures. and Confidentiality Policies.

7.3 Report

Reports must include:

- Statement of facts
- Evidence
- Witness statements
- Assessment records
- Centre actions to date
- Mitigating factors

Reports must be submitted to PAL, and the reports will be logged in PAL's governance system, which can be accessed by PAL Directors, PAL's Quality Team and Responsible Officer.

The report (regardless of who complete it) 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/PAL/Third Party Provider/College.
- Written statements from those who have been interviewed as part of the investigation - note where appropriate names of subjects that are contained in statements but are not under investigation should be suitably anonymised, or redacted.
- Any work of the Learner/Apprentice and internal assessment or quality assurance records where relevant to the investigation.
- Any remedial action being taken to ensure the integrity of certification now and in the future.
- Any mitigating factors that should be considered.
- Date report shared with relevant people

In those cases where PAL carries out the investigation, the organisation or individual(s) under the investigation will be provided with an opportunity to comment on the factual accuracy of the investigation report before it is finalised.

PAL will agree a time limit for report fact checking and the return of the report, this may vary dependent on whether the party under investigation believes they need to seek legal advice before confirming the report content.

Centres and Third Party Providers and Colleges can use PAL's Maladministration/Malpractice form to document their report (see Appendix Two), or an alternative report providing the same information is provided as outlined in the form.

PAL will advise Centres and Third Party Providers of which email address to use for correspondence involving investigations².

8. Decisions

PAL's decision process aims to:

- Identify breached criteria
- Consider evidence
- Determine if malpractice occurred
- Allocate responsibility
- Identify appropriate actions

On receipt of a Centre report PAL will consider the appropriate follow-up action to take:

- Note the incident and take no further action.
- Ask the Investigator to carry out further investigation/provide further evidence.
- Take a decision on the case, which may lead to Sanctions being imposed
- Carry out their own further investigate into the matter (where PAL has not led the investigation in the first place)

All conclusions and decisions will be based on evidence. A course of proposed action will be identified, agreed between the concerned parties, implementations responsibilities will be agreed , and monitored by PAL to the point of completion.

An action plan may also involve a review of risk ratings where they apply, and in the case of organisation risk ratings this will involve greater scrutiny from PAL as a minimum. For PAL personnel please refer to PAL's Suspension and Sanctions Policy. For Centres and Third Parties please refer to PAL's Sanctions policy.

8.1 Sanctions

Any sanctions applied by PAL will be commensurate with the level of non-compliance identified (and evidenced) during the investigation and will be in line with the PAL's sanctions policy.

In the event of evidenced wrongdoing PAL 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/apprenticeships
- Discourage others from doing likewise
- Ensure there has been no gain from compromising our standards
- Advise the regulatory authorities of the outcome, where relevant.

PAL'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.

Sanctions may include depending on the circumstances and whether the sanction is directed to an organisation or an individual the following (the list is not exhaustive):

- Additional monitoring, for example CASS sample extended, additional EQA visits
- Suspension of registrations
- Removal of personnel
- Additional Training
- Centre approval withdrawal
- Assessor RAG rating review
- Termination of Service level agreements for PAL associates

² PAL prefers to receive communications electronically but can make provision for the submission of paper documents, where requested- this may incur additional costs such as copying of information for the RO or transcribing the information so it can be securely stored in PAL's governance system.

The application of Sanctions must be:

- Evidence-based
- Proportionate
- Risk-informed
- Consistent

8.2 Communicating the Decision

PAL will:

- Notify regulators of potential/actual Adverse Effects promptly
- Respond to event notifications within two working days
- Aim to issue investigation conclusions within 10 working days of the investigation being complete
- Agree with Centres/Third Party Providers/Colleges/PAL individuals a time scale for implementing actions

Centres/Third Party Providers/Colleges should ideally implement actions within 5 working days or may face enhanced sanctions.

PAL recognises that timelines may sometimes need to be amended, to accommodate for example a complex investigation and associated report; awaiting responses from the regulator or ensuring a representative and quorate committee. Where timelines need to be revised PAL will agree this with all concerned parties and where an individual, centre or Third Party Provider/College reasonable requests more time to respond to PAL, PAL will give such requests due consideration.

Wherever possible PAL will expect investigations and reports to be finalised within **10 working days**, unless the investigation is particularly complex and then the timescale can be extended to **30 working days** or longer. PAL will look to respond to a report and provide a decision regarding any sanctions within **10 working days**; this timeline may be extended where diary arrangements for committee members need to be taken account of.

The persons or organisation concerned will be advised of the outcome of the review in writing by PAL, such a decision will have been approved by PAL's RO and communicated to PAL's Quality and Standards Committee and Board of Directors for approval.

For cases that involve Centres or Third Party Providers/Colleges The Head of Centre or equivalent³ will be expected to respond, within **5 working days**, with details of how they will implement any actions or recommendations set, and by whom. If PAL does not receive a response, they may increase the level of sanction imposed on the Centre, accordingly, based on risk.

Typically, individuals will be subject to the same timescales and for PAL personnel to include associates PAL will act in accordance with service level agreements terms and conditions and other relevant policies and procedures.

Where a summary procedure is invoked, if a Centre/Third Party Training Provider/College or individual wishes to appeal the decision, they have **15 working days** from the receipt of the decision to make the appeal and request a Malpractice Committee consider the case.

8.3 Alerting other Awarding/Assessment Organisations

PAL must notify other AOs where:

- Another AO or AOs may be impacted
- Learners may migrate to another AO/EPAO
- Centre or Third Party Provider may migrate to another AO/EPAO

³ The response must be made either by the signatory on the service level contract or a person authorised to sign off on a imposed sanction and in a position to communicate the decision within their organisation and implement any actions/recommendations

8.4 PAL Personnel

PAL personnel will be subject to the same procedure, where there is reason to believe or evidence that indicates their actions are non-compliant and could undermine the integrity of PAL qualification/apprenticeships.

9. Appeals

Appeals must follow PAL's Enquiries and Appeals Policy.

10. Procedure Monitoring and Review

This procedure as a minimum will be reviewed on an annual basis.

Date Created: 14/04/2024

Last Review: 15th December 2025

Next Review: 15th December 2026

Persons Responsible for review: Qualifications Director and Business Operations Director

This Procedure has been agreed by the PAL Board

Appendix One - Witness Statement Form

For each witness the Investigator must complete this covering form and save this with the accompanying and supporting documentation in a secure folder with named access only.

Statement of:	<i>Insert Name</i>
Occupation if employed and undertaking a work-based qualification/apprenticeship	
Location of interview	
Date of interview	
Person under 18 or considered 'vulnerable'- confirmation of accompaniment made clear. (If not accompanied please seek advice regarding continuing the interview)	
Name of person accompanying witness where applicable and relationship to the witness	
Name of investigator	
Name of organisation	
Confirm no conflict of interest	
Confirm the witness aware of the reason for the interview and able to proceed	
Confirm witness happy for interview to be digitally recorded	
Evidence/documents that support the interview	

Appendix Two - Maladministration and Malpractice Reporting Form

Details

Centre Name	
Address	
Main Centre Contact Name	
Position	
Telephone Number	

	Name of Learners/Staff Applicable	Learner Registration Number	Possible Sources of Evidence
1			
2			
3			
4			
5			
6			

Please contact your Centre Administrator if you need Learner registration numbers – if you are unable to provide them, please complete as many of the other details as you can.

Qualification/ Apprenticeship Title	
Date of Incident	

Description of the Case

Please detail in full the suspected or actual malpractice or maladministration below.
Use additional sheets where required and attach additional evidence.

Your Details

Full Name (Block Capitals)	
Position	
Email Address	
Telephone Number	
Date	
Signed (electronic signature acceptable)	