

Maladministration and Malpractice Policy and Procedure

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Policy Review

<i>Version</i>	<i>Date</i>	<i>Change History</i>	<i>Reviewed By</i>	<i>Implementation Date:</i>	<i>Next Review Date</i>
12	20 th November 2025	Combined policy (EPA and Qualifications/reformed apprenticeships, retained EPA version number) Clearer alignment to PAL’s investigation Procedure	QD/BOD	18 th November 2025	18 th November 2026

1. Overview

Professional Assessment Ltd (PAL) is committed to maintaining the integrity, validity and reliability of all qualifications and apprenticeship assessments it delivers or awards. This policy outlines PAL’s arrangements for preventing, detecting, investigating, and managing malpractice and maladministration across all regulated activities.

PAL’s approach aligns with Ofqual’s General Conditions of Recognition, particularly A6 (Identification of Risk), A7 (Management of Incidents), A8 (Malpractice & Maladministration), B1 (Responsible Officer), H5, H6 and I4.

This policy works in conjunction with PAL’s Risk & Incident Management Policy, Adverse Effect Policy and Investigation Procedure ensuring all identified risks and Adverse Effects are escalated, logged, managed and, where required, reported to Ofqual.

Please note the term Learners, also refers to Apprentices, this policy may use both terms or just refer to learners. A learner is any individual enrolled on a PAL qualification or apprenticeship standard.

2. Policy Scope

This policy applies to all maladministration and malpractice occurring within:

- Qualification and apprenticeship assessment
- Assessment design, development and delivery
- Centre recognition, monitoring and EQA sampling
- Registration, certification, data processing
- Centre staff, learners/apprentices, PAL personnel and third parties

This policy must be read alongside:

- PAL's Investigation Procedure
- Sanctions Policy
- Conflict of Interest Policy
- Plagiarism & Cheating / AI Misuse Policy
- Appeals & Enquiries Policy
- Adverse Effect Policy
- Risk and Incident Management Policy
- Centre materials such as the Centre handbook

3. Who Is This Policy For?

This policy applies to:

- All PAL personnel, contractors, Committee and panel members and associates and consultants
- All PAL-approved Centres and their personnel
- All employers involved in apprenticeship assessments
- All registered learners and apprentices

4. Purpose

This policy ensures PAL:

- Prevents malpractice and maladministration (A8.1)
- Identifies and investigates suspected or actual cases (A8.2 & A8.3)
- Responds proportionately and appropriately (A8.6)
- Notifies regulators promptly where required (A7)
- Maintains public confidence in qualifications and apprenticeship assessments

The purpose also includes ensuring that investigations and decisions support PAL's broader organisational risk-management framework and feed into PAL's incident records, risk ratings and review and evaluation activities.

5. Regulatory Requirements

This policy meets the regulatory requirements set out by Ofqual General Conditions of Recognition:

Preventing malpractice and maladministration

A8.1 - An awarding organisation (AO) must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 - Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must –

- so far as possible, establish whether or not the malpractice or maladministration has occurred, and
- promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 - For the purposes of this condition, an awarding organisation must –

- (a) establish, maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
- (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 - Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 - An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery, or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

- (a) prevent malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

- (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
- (b) may affect another awarding organisation, it must inform that awarding organisation.

6. Definitions and Examples of Malpractice and Maladministration

A straightforward definition of Maladministration is any activity, neglect or error that results in non-compliance with PAL's requirements. Malpractice is any deliberate act that compromises the integrity of assessment or certification.

6.1 Malpractice and Maladministration - the Concept

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. Malpractice and Maladministration means any act, default or practice which is:

- A breach of the Regulations; and/or
- A breach of awarding organisation requirements regarding how a qualification and associated assessments should be delivered and/or
- A failure to follow established procedures in relation to a qualification, which:
 - Gives rise to prejudice to candidates; and/or
 - Compromises public confidence in qualifications; and/or
 - 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 any awarding organisation or Centre or any officer, employee or agent of any awarding organisation or Centre.

Incidents of Maladministration and Malpractice are not always a case of direct intent to circumnavigate qualification and assessment requirements; they can also occur for the following reasons:

- Some incidents arise due to a lack of awareness of the regulations, carelessness, or forgetfulness in applying the regulations (which may often be called 'maladministration').

- Some occur as a result of the force of circumstances which are beyond the control of those involved, (e.g., a fire alarm sounds during an and the supervision of candidates is disrupted).

6.2 Who can be involved in incidents of Malpractice and Maladministration?

The individuals involved in incidents of Malpractice and Maladministration can vary, they may be:

- Learners/ Apprentices.
- Teachers, Lecturers, Tutors, Trainers, Assessors, examiners, moderators or others responsible for the conduct, administration or quality assurance of examinations and assessments including IQAs, examination officers, invigilators and those facilitating reasonable adjustment (access requirements) arrangements (e.g., SENCO personnel readers, scribes, and practical assistants).
- Awarding/Assessment organisation personnel to include EQAs, (AO assessors) personnel involved with the development of assessment instruments or members of the Centre Quality Team or administration team.
- Other third parties (e.g., parents/carers, siblings or friends or other Learners/Apprentices known to the Learner/Apprentice).

6.3 Examples of Maladministration and Malpractice

Maladministration

PAL defines maladministration as any activity, practice or neglect which results in non-compliance with administrative requirements for the delivery of PAL's qualifications/apprenticeships or products.

Please note serious or persistent occurrences of maladministration may be accelerated to malpractice without the need for evidence of any deliberate attempt to contravene regulations.

Malpractice

Malpractice is any deliberate activity or practice that is illegal and/or compromises:

- The integrity of the assessment/marking process.
- The integrity of regulation of qualifications/apprenticeships.
- The validity of certificates.
- The reputation or credibility of PAL qualifications/apprenticeships and any associated activities undertaken by PAL.
- The qualification/apprenticeship, or the wider education or respective industry sector.

Whether an incident is determined to be malpractice or maladministration will depend on a number of features which may include the intent of the party responsible for the incident, the severity of the issue and/or severity of the outcomes.

Malpractice will generally involve some form of intent. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Malpractice could consist of a conscious decision to do anything covered in the Malpractice definition. Bias, coercion, or discrimination could also lead to malpractice.

Maladministration or Malpractice can be attributed to the failure of systems and processes operated by the Centre, Third Party Provider/College or the AO and in some cases more specifically the fault of individuals. Alleged, suspected or identified maladministration or malpractice will be investigated in accordance with PAL's investigation procedure.

The following examples include examples associated with Apprenticeship assessment, to include end-point assessment

Examples of Maladministration (the list is not exhaustive or prescriptive)	Examples of Malpractice (the list is not exhaustive or prescriptive)
<ul style="list-style-type: none"> ➤ Persistent mistakes, errors, or poor administration, such as: 	<ul style="list-style-type: none"> ➤ Insecure storage of assessment instruments and marking guidance. ➤ Misuse of assessments, including inappropriate adjustments to assessment decisions.

Examples of Maladministration (the list is not exhaustive or prescriptive)	Examples of Malpractice (the list is not exhaustive or prescriptive)
<ul style="list-style-type: none"> ➤ Persistent failure to correctly follow PAL’s Learner/Apprentice enrolment, registration, assessment, results notification procedures. ➤ Persistent late registration of Learners/Apprentices. ➤ Mistakes in claims for certificates or unit, assessment progress. ➤ Certificates not claimed for Learners/Apprentices. ➤ Persistent poor record keeping. ➤ Unreasonable delays in responding to requests and communications from PAL (e.g., Centre delaying visits by External Quality Assurers). ➤ Denying reasonable access to records or information to a PAL representative or the Qualification Regulators. ➤ Poor communication from the Centre (e.g. not responding to requests for information). ➤ Inadvertently giving misleading or inadequate information regarding qualifications or assessment requirements. ➤ Incidents of not complying with PAL invigilation requirements. ➤ Actions that lead to Learners/Apprentices having an unfair advantage or disadvantage, for example claiming and applying reasonable adjustments to an assessment without an appropriate rationale or need. ➤ Failing to have essential policies in place such as a Maladministration and Malpractice Policy. ➤ Inappropriate retention or destruction of certificates. ➤ Failing to adhere to eligibility criteria when recruiting Learners/Apprentices, including the recruitment of Learners who have not met the qualification/apprenticeship’s minimum entry requirements wherever stipulated and/or the recruitment of Learners/Apprentices who are unable or otherwise unlikely to complete the qualification/apprenticeship. ➤ Failing to ensure that Learners/Apprentices evidence is authentic and produced under the stipulated assessment conditions ➤ Failing to maintain and provide accurate Gateway records, where gateway is required¹ ➤ Failure to provide accurate apprenticeship standard registration details 	<ul style="list-style-type: none"> ➤ Failure to comply with requirements for accurate and safe retention of Learner/Apprentice evidence, assessment, and internal quality assurance records. ➤ Copying and sharing external assessment materials, with the intent of augmenting a Learner/Apprentice performance and assessment outcomes. ➤ Failure to comply with PAL’s procedures for managing and transferring accurate Learner/Apprentice data. ➤ Knowingly presenting a Learner’s /Apprentice’s work for assessment or external quality assurance when it is not the work of that individual. ➤ Deliberate falsification of records in order to claim certificates. ➤ Deliberate falsification of records or misuse of data to gain PAL Centre approval. ➤ Presenting CVs of uncontracted personnel during the PAL Centre approval application process or PAL Centres adding new members of uncontracted Centre personnel for PAL approval, once approved as a PAL Centre. ➤ Presenting Centre personnel as competent and qualified when they are not, or falsifying Centre personnel qualifications and experience. ➤ Failure to notify PAL of any suspected or identified malpractice in accordance with PAL’s Policies and Procedures. ➤ Delivery and/or assessment of qualifications/apprenticeships or components (units) that the Centre has not been approved by PAL to deliver. ➤ Delivery and/or assessment of PAL qualifications/apprenticeships by staff who are not qualified to carry out the role, as stipulated in the respective qualification/apprenticeship specification and without seeking prior approval for the staff member involved in delivery or assessment. ➤ Claims for certification being submitted by the approved Centre for Learners that have not met the assessment relevant assessment requirements. ➤ Allowing the inappropriate use of Artificial Intelligence (AI) by Learners included and presented as evidence for assessment and competence (please refer to PAL’s AI guidance

¹ Reformed standards will remove the current form of a formal gateway triage- this policy is for current apprenticeship plans that includes the need for a formal gateway review

Examples of Maladministration (the list is not exhaustive or prescriptive)	Examples of Malpractice (the list is not exhaustive or prescriptive)
<ul style="list-style-type: none"> ➤ Inaccurate recording of apprentice’s name or other vital information, resulting in delays with certification ➤ Incidents of not complying with Invigilation requirements ➤ Failure to respond to information requests or addressing minor actions in line with service level contracts, enforceable agreements and any monitoring and review activities, as conducted by PAL on third parties or centres ➤ Failure to provide correct or current information for applications of reasonable adjustments 	<p>and Plagiarism and Cheating Policy for further information).</p> <ul style="list-style-type: none"> ➤ Breaching prescribed assessment requirements, these requirements could include apprentices completing or submitting work such as a project outside of the specified timescale as stated in the assessment plan ➤ Providers, employers, or apprentices intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, or during an assessment. ➤ Providers or employers helping apprentices to answer assessment questions or producing assessment evidence, that undermines or prevents the AO from determining the authenticity of the apprentice’s evidence and contravenes the requirements of the specific assessment plan ➤ Any staff or apprentices undertaking an assessment on behalf of someone else ➤ Submitting or plagiarising work that is not the apprentice’s own original work (such as using AI to create a business report or project) ➤ Deliberate destruction or tampering with work or assessment records ➤ Giving a false declaration of authenticity of assessment evidence ➤ Intentional falsification of requests for reasonable adjustments to assessments ➤ Deliberately giving false assessment evidence, records, results, and other documents relating to the assessment, for example advising the AO that an apprentice has completed a qualification as required by the gateway submission, when they have not, or have not as yet received the results ➤ Intentionally accessing or trying to access and share confidential assessment material ➤ Apprentices offering a bribe of any type to invigilators, employer or provider staff or PAL staff ➤ Use of unauthorised material or devices during the assessment ➤ Breaching the invigilation conditions, including inappropriate behaviour, such as apprentices communicating with one another or failing to follow the invigilator’s instructions, or accessing information remotely when this is strictly prohibited ➤ Anyone failing to cooperate with an investigation as requested by PAL

Examples of Maladministration (the list is not exhaustive or prescriptive)	Examples of Malpractice (the list is not exhaustive or prescriptive)

Further examples of malpractice can be found in Appendix One and Appendix Two

7. Preventing Malpractice and Maladministration

As detailed in the Ofqual Conditions of Recognition A8.1, Awarding Organisations must take all reasonable steps to prevent the occurrence of maladministration or malpractice in qualification/assessment development, delivery, and awarding.

PAL will take all reasonable steps to prevent occurrences, including:

- Designing assessment models that minimise risk
- Pre-approval checks and risk rating of Centres
- Third Party Provider and College reviews and risk monitoring
- PAL declaration checks of own personnel
- Providing clear administrative and assessment guidance
- Ensuring Centre staff are trained and competent
- Ensuring PAL Personnel are trained and competent
- RAG ratings of assessors
- Providing clear requirements for secure assessment conduct
- Routine EQA monitoring and sampling and a CASS model aligned to Centre risk ratings
- Robust Quality assurance for PAL conducted assessments
- Review and evaluation of outcomes to detect anomalies or trends that may indicate possible maladministration or malpractice
- Contracting arrangements and associated policies that act as a deterrent to non-compliance, articulating the actions PAL will take where conduct from individuals or organisations demonstrates non-compliance

All prevention measures feed into PAL's risk identification, risk ratings of Centres and Third Party Providers/Colleges and incident monitoring processes and are reviewed at PAL Board and Management meetings, to include the Quality and Standards Committee; Quality and Compliance Group Meeting and Risk Register Reviews.

8. Roles and Responsibilities

8.1 Learners/ Apprentices

8.1 Learners/ Apprentices must:

- Make themselves aware of the implications of malpractice or plagiarism or cheating.
- Ensure they are familiar with their Centre's/ Third Party Provider/College plagiarism and cheating, maladministration and malpractice policies and guidance regarding the use of AI.
- Ensure they are aware of PAL's policy and procedures regarding the above policies
- Speak to a member of staff at their Centre or Third Party Provider if they have any concerns or questions about malpractice. If they are unable to do this, know they can contact PAL directly
- Report any suspected cases/incidents to a member of Centre, Third training provider/college or employer staff. If reporting to the Centre or Third Party Provider is not an option or available to them, to report to PAL directly.

8.2 Centre/ Third Party Provider Personnel

Centre/ Third Party Provider Personnel must:

- Understand the implications of maladministration and malpractice, for themselves, their Organisation, and Learners and make themselves aware of this PAL policy
- Read and confirm their understanding of their Organisation's maladministration and malpractice policy and procedures and associated policies and procedures that support safe, reliable, and valid assessment and the security of personal data and assessment materials.
- Be vigilant and report any suspected malpractice to the named person, in their Organisation's Maladministration and Malpractice Policy and Procedure.

- Assist fully in investigations, whether conducted by the Organisation², PAL, or a PAL nominated third party.
- Report suspected or actual maladministration or malpractice to the Centre person named in the Centre's Maladministration and Malpractice immediately to enable the Centre to notify PAL and for any required investigation to be carried out quickly, effectively, and efficiently.
- Ensure Learners are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.

8.3 Heads of Centre or Third Party Provider/College

Heads of Centre or Third Party Provider/College³ with PAL must:

- Ensure their organisation is always compliant with PAL's Centre approval criteria and this policy and the terms and conditions of the approval agreement and service level contract (centre's and reformed apprenticeships).
- Ensure their Organisation is always compliant with PAL's service level contract and meets the requirements of PAL's policies and procedures and the EPA manual (EPA and PAL led assessments)
- Have a policy in place for preventing, investigating, and dealing with alleged or suspected malpractice or maladministration and ensure that policy is reviewed and updated where any regulatory conditions or guidance from PAL dictates the need to amend the policy or procedure.
- Ensure all organisation personnel, other relevant third parties and Learners/Apprentices understand malpractice and/or maladministration and the associated consequences and that Learners/Apprentices receive verbal and written guidance regarding how their qualification/apprenticeship will be assessed and/or examined and the requirements for these activities⁴.
- Monitor organisational activity to detect any suspected or actual malpractice or maladministration.
- Have suitable verifiable administrative procedures in place to prevent instances of maladministration or malpractice, identifying weaknesses and implementing new processes as a result of lessons learnt from self-evaluation activities or recommendations from PAL or relevant investigations.
- Promptly inform PAL of suspected, or alleged malpractice or maladministration where identified by the Organisation or where the Organisation receives such notification from other relevant stakeholders such as a Learner/Apprentice, employer, or organisation personnel.
- Promptly investigate any suspected or actual malpractice or maladministration, in accordance with PAL's Investigation procedure guidance, where PAL elects that the Centre or Third Party is suitably placed to undertake the investigation in accordance with PAL's investigation procedures.
- Ensure full co-operation with PAL or its nominated third party if it is decided that the Centre/Third Party Provider is not best placed to undertake the investigation, or if PAL needs to undertake a follow-up investigation.
- Ensure that staff delivering/assessing coursework or non-examination, open-book tests, formative assessments have robust processes in place for identifying and reporting plagiarism or other potential Learner malpractice.
- Ensure that their Organisation has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.
- Ensure that all Personnel who manage and implement special consideration and access arrangements (reasonable adjustments) are aware of the requirements and are appropriately supported and resourced.
- Ensure that organisation personnel do not communicate in any form or media any confidential information about examinations and assessment materials, where they have access to these materials to conduct assessments and internal quality assurance activities.⁵

² Please refer to PAL's investigation procedure regarding investigation protocols and who can undertake investigations.

³ This person should be the named person nominated to be the contact with PAL and someone who has sufficient authority to influence Centre/Third Party policies, procedures and practices

⁴ PAL makes available a range of support materials and guidance documents

⁵ Note for EPA, PAL undertakes all assessments so access by Third Party Providers is restricted to practice assessment materials only.

- Ensure that staff involved in the delivery of summative assessments and examinations, to include closed book-tests, understand the requirements for conducting these as detailed in the qualification/apprenticeship specification.⁶
- Ensure that staff involved in the delivery of assessments and/or examinations understand key dates and deadlines for registration and certification requests where applicable and that there are robust procedures in place to ensure these are met.

8.4 All PAL Personnel incorporating External Quality Assurers (EQAs)

All PAL Personnel incorporating External Quality Assurers (EQAs) must:

- Be vigilant and report any suspected cases of malpractice or maladministration immediately to PAL's Quality Team.
- Support Centres/Third Party Providers/Colleges and provide them with guidance on how to prevent, investigate and deal with alleged or suspected malpractice or maladministration.
- Limit cases of malpractice or maladministration through routine external quality assurance activities, as determined by PAL's CASS and risk rating of Centres. (Centres- qualifications and reformed apprenticeships)
- Limit cases of malpractice or maladministration through routine internal quality assurance activities, as determined by assessor rag rating and monitoring of Third Party Provider/College gateway submissions
- Review and evaluate results data to include grades and pass attempts to ascertain any trends or anomalies
- Identify issues through EQA activities of visits, monitoring, sampling and standardisations that lead PAL to believe that malpractice or maladministration has, or may have, happened. (Centre)
- Identify issues through IQA activities of visits, monitoring, sampling and standardisations that lead PAL to believe that malpractice or maladministration has, or may have, happened. (PAL led assessments)
- Support where requested any PAL led maladministration/malpractice review and/or investigation and adhere to PAL's sanctions policy and procedures when recommending sanctions or undertaking EQA activities

8.5 PAL's Quality Team

PAL's Quality Team must:

- Notify the Head of Centre when either PAL or an external/third party identifies alleged or actual malpractice or maladministration and informs PAL.
- Oversee the work of the External Quality Assurers (EQAs) to reduce, detect, and manage malpractice or maladministration.
- Examine cases of alleged or actual malpractice or maladministration from PAL where PAL undertakes assessments and Centres and Third Party Providers and determine the wider implications of each reported malpractice or maladministration event.
- Identify weaknesses and implement new processes as a result of lessons learnt.
- Inform PAL's Responsible Officer immediately of any actual or potential Adverse Effect that arises.
- Update governance logs as required and provide relevant reports for PAL's Business Operations Director (BOD) and Qualifications Director (QD) and any relevant committees.
- Provide updates for PAL's Quality and Compliance Group.
- Must ensure that any investigations they are involved in, comply with PAL's conflict of interest policy and PAL's investigation procedures

8.6 PAL's Responsible Officer

PAL's Responsible Officer must:

- Confirm whether the event constitutes an event notification⁷
- Oversee regulatory liaison.
- Ensure event notifications are submitted promptly.
- Keep PAL personnel informed of communications from the regulator in reference to an event notification.

⁶ See above footnote

⁷ In cases of minor maladministration that does not affect the outcome of a result or assessment decision the RO may judge this is not a reportable event, but still advise the incident is logged in PAL's governance logs

- Ensure appropriate action is taken to mitigate, correct or prevent recurrence of a maladministration or malpractice event.
- Be actively involved in summary and high risk cases, including any investigation involving the parent centre.

8.7 PAL's Board

PAL's Board must:

- Ensure this policy is reviewed, maintained and enacted in accordance with the relevant regulatory conditions and PAL's approach to risk and incident management
- Ensure that all PAL personnel conduct themselves in accordance with PAL policies and procedures and PAL's investigation procedures.
- Ensure PAL personnel feel able to report incidents of maladministration and/or malpractice without fear of personal repercussions.
- Ensure that investigations are carried out in a fair and proportionate manner.

9. Reporting and Investigation Maladministration and Malpractice

9.1 Reporting

Centres/Third Party Providers/Colleges/ must notify PAL within two working days of identifying actual or suspected malpractice/maladministration to. PAL will respond within **two working days**⁸. PAL personnel should report actual or suspected malpractice or maladministration on discovery.

PAL Centres or Third Party Providers/Colleges can report initially via PAL Support Services, contact emails are available to Centres/Third Parties via PAL's enquiry service process statement. PAL Support Services will provide a contact email for further communication regarding the notification and advise relevant PAL personnel, who will include PAL'S business Operations Director, PAL's responsible Officer and the Quality Manager.

PAL personnel should report their concerns as above, or alternatively they can report to their Line Manager who must then inform the above parties.

Maladministration and Malpractice can originate from a range of sources and examples and types of maladministration and malpractice are included in this policy and in appendix one and two

PAL's RO will keep the regulator informed of investigation activities and ensure any requirements or recommendations from the regulatory body is factored into the investigation and where pertinent is assimilated into PAL's review of its practices and procedures.

9.2 Centre / Third Party Provider/College Discovers Maladministration and Malpractice-Process overview

This section should be read in conjunction with PAL's Investigation Procedure and Sanctions policy

Step	Action
Centre /Third Party identifies possible maladministration/malpractice	Inform PAL as soon as practically possible (in two working days)
PAL responds	PAL will respond to a notification within two working days and advise on who will undertake the investigation, please refer to PAL's investigation procedure regarding when PAL will undertake an investigation.
Investigation Timelines	PAL will discuss and agree with the assigned centre/ Third Party Provider/College contact estimated timelines for the investigation and report availability. will expect investigations and reports to be finalised within 10 working days, unless the investigation is particularly complex.

⁸ Centres and Third parties should report their concerns to PAL as soon as possible, even if they are still reviewing further information early reporting helps all parties to address the issues and potentially minimise the impact of any malpractice

	PAL will look to respond to a report and provide a decision regarding any sanctions within 10 working days; this timeline may be extended if there is a requirement to constitute a malpractice committee.
Maladministration and/or malpractice discovered, proven not contested	PAL will apply its summary sanctions procedure.
Decision made	Agreed actions and implementation timescale set in place- note actions may include sanctions or withdrawal
Decision made	Centre/third Party Provider/College does not agree- refer to PAL's Enquires and Appeals Policy

Failure to report any such suspected or alleged issues or fully investigate the case may result in further sanctions being applied in line with PAL's Sanctions Policy.

Failure to follow any agreed action plans or recommendations may result in further sanctions.

9.3 PAL Discovers Maladministration and Malpractice- Process overview

This section should be read in conjunction with PAL's Investigation Procedure.

Step	Action
PAL suspects maladministration or malpractice, through PAL quality assurance activities or reporting by another⁹	PAL notifies the organisation of their concerns typically within 2 days of the concern being raised
Centre/Third Party Provider/College responds	Response from Centre/Third Party Provider/College should be within 2 working days of receiving PAL's notification
Investigation terms of reference and who will investigate	PAL will set the terms of reference and confirm who will lead the investigation (i.e. whether the investigation is PAL led or PAL permits the Centre or Third Party to lead the investigation)
Investigation Timelines	PAL will discuss and agree with the assigned centre/ Third Party Provider/College contact estimated timelines for the investigation and report availability. will expect investigations and reports to be finalised within 10 working days, unless the investigation is particularly complex. PAL will look to respond to a report and provide a decision regarding any sanctions within 10 working days; this timeline may be extended if there is a requirement to constitute a malpractice committee.
Maladministration and/or malpractice discovered, proven not contested	PAL will apply its summary sanctions procedure.
Maladministration and/or malpractice discovered, proven not contested	PAL will apply its summary sanctions procedure.
Decision made	Agreed actions and implementation timescale set in place- note actions may include sanctions or withdrawal

Failure to report any such suspected or alleged issues or fully investigate the case may result in further sanctions being applied in line with PAL's Sanctions Policy.

Failure to follow any agreed action plans or recommendations may result in further sanctions.

⁹ Another could be a learner, or staff member of a Centre or Third Party Provider/College who believes their notification may not receive the due consideration if they report through the normal channels. Notifications may also come from other AOs

9.4 Maladministration and Malpractice involving PAL personnel

If a case of alleged or actual maladministration or malpractice is reported or identified that involves a PAL employee, or a PAL associate or PAL consultant/technical advisor, PAL invigilator or contractor, PAL will take an objective and stringent approach to ascertaining and establishing the facts.

PAL personnel will be subject to PAL's investigation procedure and are bound by this policy and can be subject to sanctions and disciplinary action and termination of service level agreements.

Failure of PAL personnel to identify or report cases of maladministration and malpractice or any obstruction of an investigation will result in further sanctions and where applicable disciplinary action or termination of service level agreements.

Failure to follow any agreed action plans or recommendations may result in further sanctions.

PAL's RO will treat any notifications regarding PAL personnel in the same way as a notification from any other source.

9.5 Special Treatment – Parent Centre

To mitigate structural conflict of interest, the following rules apply:

1. **The parent centre cannot undertake its own investigation.**
2. PAL will always lead, using an **independent investigator** wherever possible.
3. No PAL staff who have worked with, sampled, visited, monitored, or supported the parent centre in the past **two years** may be involved.
4. Any Malpractice Committee must include **at least two independent members**.
5. All investigation and committee costs are charged to the parent centre.

9.6 Investigation

Investigations follow PAL's separate Investigation Procedure, ensuring:

- Clear terms of reference
- Independence of investigators
- Evidence-based decision making
- Impartiality
- Fair treatment of individuals

Persons involved or cited in any maladministration or malpractice notification and incident, cannot be involved in any investigation, or any panel constituted to review such evidence or hear an appeal against a maladministration or malpractice case.

9.10 Monitoring

Reported incidents and follow up actions will be monitored by PAL and will contribute towards the ongoing evaluation and overall Risk Rating of approved Centres.

PAL's Quality and Standards Committee and Quality and Compliance Group will have access to or information on reported cases of maladministration and malpractice. The committee and group can make recommendations to the PAL Bard regarding the strengthening or improvement of PAL's policies and procedures to avoid further reoccurrences of such an event.

See appendix four for a Centre/Third Party summary of how to handle maladministration and malpractice.

10. The Malpractice Committee

10.1 Key Features of the Malpractice Committee

Key features of the Malpractice Committee are:

- Independence
- No conflict of interest
- New evidence considered
- Decisions based on balance of probabilities
- Ability to increase, reduce or uphold sanctions
- Committee addressing parent centre cases require two independent appeal members

Where a sanction is applied under the summary procedure, the individual(s) or Centre to whom the sanction has been applied may contest the decision by asking for the matter to be referred to a Malpractice Committee. They have 14 days in which to do so. The case will then be considered by the Malpractice Committee.

The Malpractice Committee will:

- Consider the matter afresh. As a result, it may reach different conclusions as to whether, and if so, what malpractice occurred, and it may decide to impose the same, lesser, or more severe sanction(s).

In order to determine the outcomes in cases of alleged malpractice, awarding organisations may appoint a Panel or Committee composed of internal and/or external members experienced in examination and assessment procedures. In some cases, rather than a panel, this function may be allocated to a named individual member or members of awarding organisation staff. In this document the Committee (or awarding organisation personnel responsible for making decisions in malpractice cases) is referred to as the 'Malpractice Committee'.

The Malpractice Committee may be assisted by an awarding organisation member of staff who has not been directly involved in the investigation.

The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- The work of the Malpractice Committee is confidential.
- Members of the Malpractice Committee are required to identify any case where they have personal knowledge, or might reasonably be said to have some interest, which could reasonably lead to an inference that they could be biased.
- Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter.
- Accused individuals, Heads of Centre and their representatives are not entitled to be present at meetings of the Malpractice Committee,

The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation and therefore those involved in collecting evidence for the investigation do not determine the committee's outcome

Evidence supplied to the Malpractice Committee will only include information relevant to the case which has also been made available to the person/Centre against whom the allegation has been made. For the avoidance of doubt, where the person/ organisation against whom the allegation is made receives material that has been subject to redaction (e.g. of individuals' names), the material that the Malpractice Committee receives will also be redacted to the same extent.

The person/organisation against whom the allegation has been made will be given the opportunity to make a final written statement to the Malpractice Committee in the light of the material provided. The final written statement will be provided to the Malpractice Committee prior to their meeting. Where the allegations are an organisation, the Malpractice committee will receive statements submitted by the organisation

It should be noted that the Malpractice Committee, when considering a malpractice investigation, may determine that the issues identified have arisen due to management or Centre Third Party Provider/College failings (such as a lack of appropriate training) and that sanctions should be imposed upon Heads of Centre or equivalent Third Party provider/College equivalents and their Organisations as a result. Organisation representatives should be aware, therefore, that while there may be individuals formally accused of malpractice, sanctions might be imposed upon them or the Organisation or both by the Malpractice Committee. Heads of Centre or Third Party Provider/College equivalents should ensure that they have considered whether they should submit a final statement for consideration by the Malpractice Committee and that they have notified any appropriate parties at their Organisations (such as directors, owners, etc) in the event that a sanction might be imposed upon it.

10.2 Malpractice Committee - Making the decision

Where individuals have had the opportunity to make a final written statement, but have declined this opportunity, the case will proceed on the basis of all other information received.

The Malpractice Committee will determine:

- Whether correct procedures were followed.
- Whether malpractice as defined in this policy has occurred.
- The regulation or specification requirement which it is alleged has been broken.
- The facts of the case based on the evidence presented to them.
- Whether the facts as established actually breach the regulations or specification requirements.
- Where the culpability lies for the malpractice.

If the Malpractice Committee determines that malpractice has occurred, it will then seek to determine the appropriate sanction(s) to be applied, if any, considering the least severe sanction first, considering any points in mitigation and the appropriate measures to be taken to protect the integrity of the assessment or test/examination and to prevent future breaches.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of malpractice, this may be taken into consideration when determining whether a more severe sanction should be applied.

Where a decision is being made by the Malpractice Committee, the Malpractice Committee will seek to make decisions unanimously but, if necessary, may decide by a majority.

The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but PAL may decide that it is unable to accept the work of a Learner or issue results in order to protect the integrity of the qualification/apprenticeship for the majority. Where appropriate, PAL may issue estimated grades/outcomes for the affected unit(s).

In situations where a case is deferred because the Malpractice Committee requires further information in order to decide, the deferral and the nature of the request will be shared with the investigation team and the individual/Centre against whom the allegation has been made.

All sanctions resulting from cases of malpractice are subject to appeal, in line with PAL's Enquiries and Appeals Policy.

See appendix three for further information on investigation protocols and the malpractice committee

11. Third Parties Whistleblowing and Confidentiality

An individual may wish to disclose information relating to suspected or actual malpractice and/or maladministration confidentially using PAL's Whistleblowing Policy and Procedure. A copy of this policy is available via PAL's website or can be requested from the PAL Qualifications Support Team.

If suspected or alleged cases of malpractice and/or maladministration are brought to PAL's attention by a third party or 'whistleblower', PAL will take the below steps to establish the facts of the allegation.

PAL will write to the third-party seeking permission to use their name, to communicate the details of the allegation with the PAL Centre, and to find out whether the Centre's internal procedures have been exhausted or establish if the Centre is aware of the allegation.

If the 'whistleblower' does not grant permission to use their name, and the allegation still merits investigation, PAL will advise the 'whistleblower' that the scope of the investigation may be impaired, and that PAL will strive to preserve their anonymity in bringing the matter to the attention of PAL's Qualifications Director.

Where suspected or alleged malpractice and/or maladministration are brought to the attention of PAL verbally (for example, by telephone) then PAL will request that the allegation be presented in writing (for example, by post to PAL's Head Office address or email PAL). Please note email notification is preferable.

In the event that PAL receives no follow-up confirmation of the allegation in writing, then PAL will keep an internal record of the allegation in line with its data protection policy; and undertake any investigation as required.

Where suspected or alleged malpractice and/or maladministration is brought to the attention of PAL by a member of Centre staff or a Learner at the Centre that they work at, or are registered as a Learner, PAL will consider, if relevant, how best to protect the informant during and after any investigative activity.

12. Investigation Outcomes and Sanctions

Sanction and actions will be proportionate to the case and applied consistently and fairly across all of PAL's provision.

Sanctions may apply to:

- Learners/Apprentices
- Centre personnel/ Third Party Provider/College personnel
- Centres/ Third Party Providers Colleges
- PAL personnel

Actions may include:

- Withholding or revoking results
- Reassessment
- Staff removal
- Suspension of registrations
- Centre approval withdrawal
- Cessation of Service Level Contracts with Third Party providers/Colleges
- Additional EQA monitoring
- Updating internal policies and procedures

Where reports of malpractice or maladministration are found to be proven based on the evidence gathered PAL may impose sanctions or penalties on those involved. Sanctions and penalties will be proportionate to the case and the level of impact on the Learner(s)/Apprentice(s), the credibility of the qualification(s)/apprenticeship(s) and the impact on the Centre, Third party Provider/College and employers of learners/apprentices affected.

PAL will consider legislation that may impact upon the case, including:

- Employment Law.
- Health and Safety Legislation.
- Equalities and Human Rights Legislation.

If the investigation and Report has been reviewed by the Malpractice Committee, they will decide on any actions to be taken as detailed in this policy.

In addition to considering what if any sanctions should be applied, if the report confirms that alleged or suspected malpractice or maladministration took place, PAL will consider the following:

- What reasonable steps are required to prevent any Adverse Effect which may arise.
- If an Adverse Effect has occurred, what steps are required to mitigate any impact.
- How to minimise any risk to the integrity of the certification now and in the future.
- How to maintain public confidence in its delivery and awarding of qualifications/apprenticeships.
- How to ensure this same incident will not re-occur.

Proportionate action will only be taken once the facts of the case have been established. PAL will therefore consider all relevant information when determining what action to take on a case-by-case basis. In all cases, PAL will consider consequential effects, including the effect of the proposed action on the individual or Organisation, when judging which action(s) are proportional. PAL will balance the consequences for the individual or Organisation against the seriousness and effects of the malpractice and/or maladministration. This does not preclude the use of sanctions.

12.1 Examples of actions post proven maladministration and malpractice for Centres and Third Party providers/College

Actions PAL may take could include (the list is not exhaustive):

- If PAL discovers that a result is incorrect, we will take all reasonable steps to ensure that we revoke any certificate if the result on the certificate is false because of malpractice or maladministration. We will consider how we will contact the Learners/Apprentices involved to notify them of the status of their certificates and of any arrangements for re-assessment and/or certification, as well as their right of appeal.
- Specific actions within set timescales for the PAL Centre to take to address the findings of the case.
- Additional visits to the PAL Centre including spot checks (these will be charged for by PAL).
- Additional training for PAL Centre staff and/or stipulating the removal of specific staff from their role in delivery or assessment (if PAL deems it needs to deliver the training or support the Centre in such training PAL will charge for this, any fee will be tailored to the Centre and specific event).
- Imposing sanctions.
- Instigating a Centre/Third Party Provider/College Withdrawal process.
- Acting against Learners/Apprentices – for example, if found guilty of plagiarism or fraud.
- Reviewing confidentiality and/or security arrangements.
- Reviewing Centre Risk/ Third Party Provider/College status.
- Reviewing and amending PAL systems and procedures if required.
- Reviewing Centre/ Third Party Provider/College systems and procedures and stipulating measures to lessen the risk of a reoccurrence of the event(s).
- Expanding the original investigation to look at other PAL qualifications/apprenticeships or Centres/ Third Party providers/Colleges.
- Review, and revise where necessary, PAL's approach to the development, delivery, and award of qualifications/apprenticeships to ensure it remains appropriate.
- Refusing to accept Apprenticeship assessment registrations and/or bookings from a Provider/College in cases where malpractice is proven for specific apprenticeship standards
- Disqualifying a learner/ apprentice from taking any component of assessment.
- Invalidating claims for an apprenticeship certificate

Please see PAL's Sanctions Policy for information regarding Sanctions.

12.2 Penalties and sanctions for proven maladministration or malpractice for PAL personnel

Where malpractice/maladministration is proven against PAL people (employed, or associates or consultants/technical advisors), we will consider whether the integrity of our apprenticeship standards or qualifications might be at risk if the individual in question were to be involved in future PAL activities so PAL will act to protect the integrity and interests of our service.

This action may include, but is not limited to:

- Invoking PAL's Sanctions and Suspensions policy and disciplinary policy and applying suitable penalties, that are not dismissal
- Termination of employment
- Removal from working with named apprenticeship standards or qualifications
- Review of individual RAG ratings
- Suspension, amendments, or termination of service level agreements with associates, invigilators and consultants/technical advisors

13. Notifying the Regulators

PAL must promptly notify Ofqual where:

- An Adverse Effect is likely or has occurred
- Qualification validity may be compromised
- Public confidence is at risk
- Another AO may be impacted

PAL must not wait for the full investigation outcome before notifying the regulator

PAL needs to establish if an event has occurred, or is likely to occur, which has/could have an Adverse Effect. If so, PAL has an obligation to promptly notify the regulator(s) that it has cause to believe that there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification/apprenticeship which it makes available or could affect another awarding organisation.

In all cases, PAL will not wait until it has the full picture before informing the regulator(s). Therefore, where PAL has cause to believe that malpractice or maladministration has, or is likely to, occur and that this could have an Adverse Effect, it will not wait for an investigation outcome and report, before notifying the regulator(s). Where there is a credible allegation of suspected malpractice or maladministration that could constitute criminal activity, PAL will consider whether to notify the police as well as notifying the regulator(s).

PAL and the PAL Centre(s) and Third Party Providers/Colleges are required to cooperate in full, providing information and taking any appropriate action, as requested by the relevant regulator, in addition to or as well as any PAL investigation and action plans.

14. Appeals

If the Centre or individuals found to be guilty of malpractice and/or maladministration do not agree with the outcome, action and/or the decision made they can appeal against that decision.

The appeal will review the processes taken to ensure that they were applied consistently and fairly. Please refer to PAL's Enquires and Appeals Policy and Procedure for more information.

15. Maintaining Records

PAL, Centres and Third Party Providers and Employers are required to retain documents in accordance with their data retention policies and procedures.

In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

16. Alerting Other Awarding Organisations

Regulations require that PAL notifies other Awarding/Assessment Organisations of cases that could have an Adverse Effect and where these cases are likely to impact on the other Awarding/Assessment Organisations. PAL must pay due regard to this requirement and notify other Awarding/Assessment Organisations, as appropriate. This will usually be appropriate where:

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

Monitoring and Review

This policy and procedure as a minimum will be reviewed on an annual basis and more frequently in response to feedback, changes in legislation and guidance from the regulators.

Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to Ofqual General Conditions of Recognition: Management of risk A6; Malpractice and Maladministration A8; Issuing of results H6; issuing and replacement certificates I4

Date Created: 6th July 2017

Date Created: 6th July 2017

Last Review: 18th November 2025

Next Review: 18th November 2026

Persons Responsible for review: Business Operations Director and Qualifications Director

This Policy Procedure has been agreed by the PAL Board

Appendix 1 Examples of Maladministration and Malpractice

<p>The Apprentice - examples of malpractice may include:</p>	<p>Providers/Colleges/Employers/Centres examples of malpractice may include:</p>	<p>PAL personnel or PAL associates/consultants/technical advisors/invigilators/contractors- examples of malpractice may include:</p>
<ul style="list-style-type: none"> ➤ Plagiarism ➤ Identity fraud. ➤ Collusion with others. ➤ Inclusion of inappropriate; offensive, discriminatory or of a discriminatory nature, obscene material in assessment evidence, (this includes vulgarity and swearing that is outside of the context of the assessment. ➤ Any material of a discriminatory nature, including racism, sexism, and homophobia); inappropriate behaviour during an assessment that causes offence to parties involved and has the potential to cause offence to the broader community and is in contradiction of ‘brand values. ➤ Inappropriate behaviour in addition to the above can include shouting and/or aggressive behaviour or inappropriate language. ➤ Having an unauthorised electronic device that causes a disturbance during the assessment or that provides 	<ul style="list-style-type: none"> ➤ Tampering or adjusting submitted work, to include projects, portfolios and assignments, deception like manufacturing evidence of competence. ➤ Deliberate and falsified applications for reasonable adjustments or special considerations. ➤ Inadequate or incomplete guidance and advice regarding endpoint assessment requirements, which contradict the advice and guidance made available by the EPAO and appropriate regulatory bodies ➤ Inaccurate or falsified evidence presented at gateway, with inaccurate or amended evidence to justify readiness. ➤ Persistent failure to adhere to registration procedures to include the correct denotation of standards versions and provision of appropriate lead-in times as specified by the funding rules. ➤ Misleading, falsification or inaccurate declarations regarding conflicts of interest 	<ul style="list-style-type: none"> ➤ Collusion with others, thereby giving other parties access to information that will provide specific advantage to an individual or organisation compared with similar PAL stakeholders ➤ Inclusion of inappropriate; offensive, discriminatory or of a discriminatory nature, obscene material in assessment evidence, (this includes vulgarity and swearing that is outside of the context of the assessment. ➤ Any material of a discriminatory nature, including racism, sexism, and homophobia); inappropriate behaviour during an assessment that causes offence to parties involved and has the potential to cause offence to the broader community and is in contradiction of ‘brand values. ➤ A breach of security such as a failure to keep test material secure and safe. ➤ Tampering or adjusting submitted work, to include projects, portfolios, and assignments. ➤ Inadequate or incomplete guidance and advice regarding endpoint assessment requirements.

<p>The Apprentice - examples of malpractice may include:</p>	<p>Providers/Colleges/Employers/Centres examples of malpractice may include:</p>	<p>PAL personnel or PAL associates/consultants/technical advisors/invigilators/contractors- examples of malpractice may include:</p>
<p>unauthorised access to information to assist the apprentice in their assessment unfairly.</p> <ul style="list-style-type: none"> ➤ Use of unauthorised aids and possessions of unapproved materials (including mobile phones, notes, wall displays, and access to sites) that offer any unfair support to the apprentice demonstrating competence in KSBs. ➤ Inappropriate use of AI such as using AI to generate evidence like business projects and claiming the work as original and compiled by the apprentice 	<ul style="list-style-type: none"> ➤ A breach of security such as a failure to keep test material secure and safe, where centre status has been granted ➤ Failure to invigilate to standards outlined in the EPAO Regulations for the Conduct of MCQ/SJT Tests and PAL invigilation guidelines. ➤ Insecure storage of assessment instruments and marking guidance. ➤ Misuse of assessments, including inappropriate adjustments to assessment decisions. ➤ Failure to comply with requirements for accurate and safe retention of Learner/Apprentice evidence, assessment, and internal quality assurance records. ➤ Copying and sharing external assessment materials, with the intent of augmenting a Learner/Apprentice performance and assessment outcomes. ➤ Failure to comply with PAL's procedures for managing and transferring accurate Learner/Apprentice data. ➤ Knowingly presenting a Learner's /Apprentice's work for assessment or external quality assurance when it is not the work of that individual. ➤ Deliberate falsification of records in order to claim certificates. ➤ Deliberate falsification of records or misuse of data to gain PAL Centre approval. 	<ul style="list-style-type: none"> ➤ Inadequate programme design and delivery that disadvantages the apprentice. ➤ Sharing assessment materials/instruments in design, without the consent of PAL, to include sharing with third parties, centres, or competitors. ➤ Inaccurate recording of assessment activities and consideration of evidence that inhibits accurate marking and grading. ➤ Unprofessional application of assessment instruments, which have the potential or do adversely impact the apprentice and assessment environment. ➤ Failure to complete assessments as specified in the relevant assessment plan and PAL specification. ➤ Inaccurate presentation of occupational competence and failure to maintain their CPD, as directed or requested. ➤ Falsification of conflict-of-interest declarations and or business declarations ➤ Offering training services, where they have had access to and are assessing the same standards as they train in ➤ Failure to apply agreed and approved reasonable adjustment requirements

The Apprentice - examples of malpractice may include:	Providers/Colleges/Employers/Centres examples of malpractice may include:	PAL personnel or PAL associates/consultants/technical advisors/invigilators/contractors- examples of malpractice may include:
	<ul style="list-style-type: none"> ➤ Presenting CVs of uncontracted personnel during the PAL Centre approval application process or PAL Centres adding new members of uncontracted Centre personnel for PAL approval, once approved as a PAL Centre. ➤ Presenting Centre personnel as competent and qualified when they are not, or falsifying Centre personnel qualifications and experience. ➤ Failure to notify PAL of any suspected or identified malpractice in accordance with PAL's Policies and Procedures. ➤ Delivery and/or assessment of qualifications/apprenticeships or components (units) that the Centre has not been approved by PAL to deliver. ➤ Delivery and/or assessment of PAL qualifications/apprenticeships by staff who are not qualified to carry out the role, as stipulated in the respective qualification/apprenticeship specification and without seeking prior approval for the staff member involved in delivery or assessment. ➤ Claims for certification being submitted by the approved Centre for Learners that have not met the assessment relevant assessment requirements. ➤ Allowing the inappropriate use of Artificial Intelligence (AI) by Learners included and presented as evidence for assessment and 	<ul style="list-style-type: none"> ➤ Falsification of events to attempt to get a special consideration, where such a consideration is not merited

<p>The Apprentice - examples of malpractice may include:</p>	<p>Providers/Colleges/Employers/Centres examples of malpractice may include:</p>	<p>PAL personnel or PAL associates/consultants/technical advisors/invigilators/contractors- examples of malpractice may include:</p>
	<p>competence (please refer to PAL's AI guidance and Plagiarism and Cheating Policy for further information).</p>	

Appendix Two Malpractice- examples by categories

Breach of security

Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of apprentices' scripts, assessment evidence or their electronic equivalents

It could involve:

- failing to keep examination/test/assessment materials secure prior to an assessment
- discussing or otherwise revealing information about examinations and assessments that should be kept confidential this includes sharing information on internet forums/social media
- moving the time or date of a fixed and agreed assessment beyond the arrangements permitted and agreed by relevant parties
- failing to adequately supervise apprentices who have been affected by an assessment interruption or are undertaking remote assessment
- sharing assessor scripts in paper or electronic format, this does not extend to screen sharing information, providing there is no opportunity to screen shot information
- permitting, facilitating, or obtaining unauthorised access to assessment materials prior to an assessment, where such materials are able to direct and influence an assessment outcome
- failing to retain and secure examination/test question papers, (where paper-based tests are deployed) after an examination in cases where the life of the paper extends beyond the particular session,
- tampering with apprentice's/learner's scripts, controlled assessments, post assessment (this would additionally include reading candidates' scripts or photocopying candidates' work or retaining such information electronically on own devices prior to uploading such information for quality assurance checks
- failing to upload assessment records in the timescales stipulated by PAL

Deception

Any act of dishonesty in relation to an examination or assessment including, but not limited to:

- inventing or changing marks for assessments where there is no actual evidence of the apprentices' /learners' achievement to justify the marks/ grade awarded
- manufacturing evidence of competence associated with apprentice's/learner's portfolios or projects that are constituent parts of an end-point assessment
- fabricating assessment and/or internal verification records or authentication statements
- substituting or falsely presenting one learner/ apprentice in place of another
- providing misleading or inaccurate information to the AO, EQA or IQA team

Improper assistance to candidates

Any act where assistance is given beyond that permitted by the specification or regulations to an apprentice/learner or group of learners/ apprentices, which results in a potential or actual advantage in an examination or assessment

For example:

- assisting apprentices/learners in the production of assessment evidence for example, portfolios, logs, diaries projects, or presentations, beyond that permitted by the relevant specification and AO guidance and instructions
- sharing or lending apprentices/learners work with other apprentices/learners, for example sharing portfolio content or menu specifications in a way which allows malpractice to take place
- assisting or prompting apprentices/learners with the production of answers, for example where an employer can accompany an apprentice/learner in a professional discussion, answering on their behalf
- permitting apprentices/learners in an examination to access prohibited materials (dictionaries, calculators, smartphones allowing access to search engines or AI)
- prompting candidates in an examination/assessment by means of signs, or verbal or written prompts.
- Applying reasonable adjustments, such as extra time, where no such request has been authorised, or misapplying reasonable adjustments, or permitting a scribe for example to act as an invigilator promoting a greater opportunity for leading the apprentice/learner

Failure to co-operate with an investigation

- failure to make available information reasonably requested by PAL 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 PAL’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 to PAL

Appendix Three Investigation set-up and protocols

Regardless of the source of alleged malpractice or maladministration, the role and responsibility and protocols associated with undertaking an investigation follow the same principles.

Where the investigation requires more than one investigator, the Business Operations Director, or the Qualifications Director in their absence will appoint a Lead Investigator

The role of the investigator is:

- To oversee the investigation resulting from an allegation of malpractice unless the investigation is being led by another AO/ or another party as assigned by a relevant agency
- Ensure that if it is necessary to delegate elements of the investigation to another/others they are independent and not connected to any parties involved in the suspected malpractice; this is to avoid conflicts of interest which can otherwise compromise the investigation
- Respond speedily and openly to all requests for an investigation into an allegation of malpractice; this will be in the best interests of apprentices/learners, third parties and centres. PAL personnel and associates and all others involved
- Speedily and openly make available information as requested by the appropriate Regulator, or other AO(s), where the case concerns a wide range of assessment failures that could impact the wider apprenticeship standard and qualifications community
- Ensure all PAL employees and or associates respond to any enquiries into an allegation of malpractice, whether they or PAL are directly involved in the case or not.
- Ensure all third parties /'centres' respond to any enquiries into an allegation of malpractice, whether they are directly involved in the case or not
- Inform PAL personnel, associates, apprentices/learners, Centres, and employers concerned about their individual responsibilities and rights
- Pass on to the individuals concerned any warnings or notifications of penalties and ensure compliance with any requests made by the relevant regulator because of a malpractice/ maladministration case

Reporting timelines will be dependent on the complexity of any allegation and a final decision may take anything from ten working days to three months.

In terms of how the records of investigations will be presented and their accuracy assured PAL personnel involved in the investigation will keep PAL's Responsible Officer informed via the PAL governance reporting system, as well as direct reporting and either the QD or BOD will keep the PAL Board informed.

Our Confidentiality Policy, data privacy notices and data protection and privacy policy will be applied throughout the investigation. Storing of information will be on a secure drive and password protected and we will refrain from producing hard copies of documents unless originals are material to the case.

Taking appropriate action where malpractice or maladministration is suspected or alleged

A major consideration for PAL when deciding what action to take where malpractice is suspected or alleged is the obligation to comply with Conditions H5.1 and H6.1 (d). These Conditions require an organisation to ensure that the result of each assessment reflects the level of attainment demonstrated by a Learner/apprentice and to issue results which accurately and completely reflect the marking of assessments.

Conditions A7 and A8 require, in addition, that the Learner's/apprentice's performance has not been dishonestly manipulated (through cheating in an exam, for example, or presenting a project as their own, when it has been completed by another person).

PAL will consider the following in striving to get the right and equitable balance between ensuring the accuracy and promptness of issuing any results and certification requests against the potential impact of an adverse effect and bringing the standard/apprenticeship programme and PAL and the wider AO community into disrepute. Reactions will reflect the breadth of the malpractice and numbers of people/parties involved.

Possible actions, which PAL would seek advice on

- Reassessing elements of the assessment- in the cases of malpractice this will rarely apply however there may be times when PAL will permit the re-submission of some portfolio evidence
- Making an assessment decision on aspects of the assessment deemed safe- this will typically only result in partial achievement and proven cases of malpractice should not benefit from an extrapolated assessment decision
- Analysing outcomes from other assessments undertaken as part of the assessment, to determine whether the assessment approach and guidance lacked clarity and unintentionally encouraged poor practice
- Issuing a fail- this is the most likely outcome for proven cases of malpractice
- Notifying appropriate third parties, if the standard attainment influences career progression or promotion or entrance to higher education
- Removal of specific assessment instruments and reissue of new assessment instruments- where the review of the investigation indicates there is a requirement for strengthening the assessment instruments either by removing the current versions and replacing, adding new assessment versions, or changing the format of assessment
- Withholding or delaying results (note a timeline will be provided here)- such action can be taken for the duration of the investigation and committee review, note if there are concerns regarding a Centre PAL may decide as a temporary measure to halt registration and certification for specific standards or qualifications or place that ban across all of the Centre's provision, in relation to PAL products

A similar balancing exercise will be required where malpractice or maladministration is alleged or suspected following the issue of results but prior to the request of certificates. In accordance with Condition B3.5, PAL has a continuing obligation to notify the appropriate regulator as soon as possible of any steps that it has taken or intends to take to prevent an adverse effect, or to correct or mitigate any adverse effect that occurs.

Personal interest

Under Condition A8.3 (b), investigations must be carried out by individuals **with no personal interest** in their outcome. Personal interest is an example of a wider Conflict of Interest.

Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to any PAL or Centre colleague involved or implicated or associated in the alleged malpractice. Where Centres are allowed to undertake the investigation they must ensure and demonstrate to PAL, that the person or persons undertaking the investigation have no involvement with the events pertaining to the claim of poor practice. PAL will ensure any PAL personnel involved in any investigation meet the requirement of no personal interest in the case under investigation. See special conditions placed on the parent centre regarding investigations.

In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, PAL will seek appropriate legal advice. PAL's Responsible Officer may also seek advice from the appropriate regulator or DfE/DWP, if public funds are at risk.

Scale and scope of the investigation

The scale and scope of the investigation will have an impact on who is best placed to complete the investigation. PAL considers:

The nature of the possible malpractice or maladministration, for example, whether the issue relates to a breach of confidentiality in the design stage, cheating in assessments or problems at the marking or grading stage.

- The number of learners/apprentices involved, if any, in the alleged malpractice or maladministration and the number directly advantaged, or disadvantaged, by the alleged malpractice or maladministration.
- The degree of potential advantage or disadvantage to learners/ apprentices involved in or affected by the alleged malpractice or maladministration.
- The extent to which trainers/tutors (Providers/Colleges) Managers L&D personnel (employers) or other professionals may be involved in the alleged malpractice or maladministration as this may also have implications when considering the degree of personal interest.
- The extent to which the allegation or suspicion suggests any level of knowledge or awareness of the suspected malpractice or maladministration either within PAL
- The extent to which the allegation or suspicion suggests any level of knowledge or awareness of the suspected malpractice or maladministration within Centres or employers
- The number of Centres, sites, satellites involved
- The impact on public confidence in regulated qualifications of the suspected issue.
- Any potential impact on public confidence regarding the integrity of apprenticeship standards outcomes and awards
- The degree to which alleged malpractice or maladministration may disadvantage other Learners/apprentices.
- The number of other Apprentices/ Learners that may be affected by the alleged malpractice or maladministration, along with the potential impact on other Apprentices/ Learners, as this might influence the effect on public confidence.
- The number of factors and complexity of the alleged maladministration and or malpractice
- Admission of wrongdoing by the relevant parties, in respect where the evidence of maladministration or malpractice is overwhelming, PAL will undertake a full investigation, report to appropriate bodies, but reserves the right not to constitute a committee.

PAL must ensure that the investigator or investigators are competent and able to undertake the investigation, factoring in the scale and complexity of the investigation.

Appropriate skills and knowledge (the list is not exhaustive) investigators possess include:

- gathering and recording evidence from interviews.
- gathering evidence from minors, vulnerable adults, and those with learning difficulties; (PAL safeguarding policy and designated officer to be advised where this situation exists)
- protecting, gathering, and retaining evidence from documentation and electronic sources.
- when and how to involve other authorities including the police where criminal activity is suspected.
- Safeguarding.

A8.3 (b) for an investigation to be both rigorous and effective, where an individual has the appropriate competence, AOs may also consider the capacity of the individual to undertake an investigation. The awarding organisation should consider: the ability of the individual to undertake the investigation promptly; and the time required and available capacity of the individual.

Under Condition A5.2 (a), AOs must establish and maintain a Workforce of appropriate size and competence. As a result, PAL can also deploy its Director of Audit and Compliance and their team to support with such investigations, additionally Assessment/Account Managers and the Support Service¹⁰s Lead and senior IQAs can be enlisted as investigators and named consultants who can be called upon for investigation and committee duties, as required, all subject to conflict-of-interest clearances.

Investigation conduct

Where PAL is reporting the suspected malpractice to an external regulator or body, as a minimum, PAL will provide the accused individual(s) with a completed copy of the form or letter used to notify regulatory bodies and any other relevant agencies of the malpractice.

Where the malpractice does not directly involve PAL staff or associates and the suspected malpractice relates to a Centre, employer or apprentice, PAL will take advice from either the regulator directly, or via the Responsible Officer or the funding body regarding the nature of informing third parties, to ensure the case is not prejudiced.

Where the investigation deems it necessary to interview anyone in connection with alleged malpractice, the interviews for PAL employees must be conducted in accordance with PAL's policy for conducting disciplinary enquiries.

For all other interviews, a similar format of the interview will be used, as outlined below.

Individuals accused of malpractice **must** be made fully aware at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should malpractice be proven.

They **must** also be given a chance to respond, preferably in writing, to the allegation made against them. PAL wherever practically possible will keep all parties informed in a timely fashion, there may, however, be times, in the case of a complex investigation, involving a range of stakeholders and sites, where information cannot be provided until the full investigation is concluded.

The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour.

However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview he/she is not to answer questions on the interviewee's behalf. PAL will not be liable for any professional fees incurred by any third party subject to the malpractice investigation.

PAL is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone, or via a secure webinar platform. Individuals involved will be requested to provide a written statement.

Joint Investigations

Where the requirement for a joint investigation has been determined, (another organisation can include other AOs; regulators; funding bodies), PAL will clarify the leadership responsibilities with the other organisations and agree the working and investigation principles and arrangements that must be followed. PAL will then ensure that the assigned

¹⁰ PAL would not use these personnel for parent centre malpractice investigations, wherever possible an independent investigator will be used and additional support will be drawn from the quality team, who have not been directly involved with the parent centre

PAL investigator is fully informed of the agreement and adheres accordingly. The PAL Board will receive joint investigation information, and the Board will ensure the investigation correlates with the joint investigation terms of reference and protocols.

Committee Arrangements

PAL's RO will be advised of the names committee members, and this will be recorded on the relevant governance log. In the event of a joint investigation PAL will confirm names, representing the other organisation for the purpose of recording, committee members and record keeping.

The committee must comprise of a Chair, in most cases will be a PAL Director if they have not implicated in the investigation and there are no conflicts of interest.

Additionally, the committee must consist of two other members who have not been involved in the investigation and are not involved in the incident under investigation but are qualified and knowledgeable of the standards to be able review the evidence and decide regarding assessment integrity in respect of the specific standard. One of these members will ideally be independent from PAL, but sufficiently qualified to undertake the review of evidence and contribute to the decision-making process.

In all cases the committee will be briefed regarding the terms of reference of the investigation, the evidence collated, the requirement for discretion and the recording of information in line with PALs policies.

The following applies to the personnel acting on the committee:

- The work of the Malpractice Committee is confidential
- Prior to selection onto the committee, the members will have demonstrated they have no conflict of interest or personal interest in the case or the final decision
- Accused individuals and their representatives are not entitled to be present at meetings of the Malpractice Committee. The person against whom the allegation has been made will be given the opportunity to make a written statement to the Malpractice Committee considering the material provided.

PAL's BOD or QD will make available to the committee members the investigation findings and supporting evidence.

Note where the case of malpractice is clear and there is no grounds for a defence of the conduct, PAL reserves the right to take action without the constitution of a Committee.

Terms of reference for the committee

The purpose of any maladministration and malpractice committee is to review alleged cases of malpractice and the related evidence. The terms of reference for each committee will be set on a case by case basis and overseen by PAL's RO and terms of reference will be securely stored with the committee report. Access to such reports will be limited to senior PAL personnel and will be stored and retained in accordance with PAL's data policy.

Typically, terms of reference of the committee will include:

- Make-up of the committee and confirmation of no conflicts of interest or involvement in the investigation
- Taking of minutes and the recording of information and storage of information
- Confirmation that the committee members are fully aware of PAL's Maladministration and Malpractice policy and the regulators conditions that the policy relates to and the significance of any adverse effects in respect of the integrity of end-point assessment
- The independence of the committee and confirmation the committee has the authority to make decisions whether to uphold or decide against any malpractice/maladministration allegations

- To consider the nature and impact of malpractice/ maladministration event across AOs; providers; employers and apprentices for the same standard
- To review all the data and information, specific to the case and compare to data more generally for that standard, where pertinent to do so, to indicate any significant variances
- To consider if the mode of sharing information with stakeholders and the use of assessment flexibilities and on-line assessments, have in anyway increased or contributed to maladministration/malpractice activities
- To consider how PAL can if appropriate improve its information to others and use of its processes to minimise the opportunities for maladministration and malpractice
- To consider if PAL have noted all possible causes of malpractice and put into place appropriate arrangements to minimise breaches, to include identification and monitoring activities, cultural influences and development of policies and procedures that support best practice
- To consider how approaches to assessment can mitigate the risk of malpractice, to include a review of guidance and contract content and negotiation
- To consider if the use of sanctions are proportionate and effective in deterring malpractice
- To make recommendations to all stakeholders regarding assessment best practice and assessment protocols and the suitability of assessment methods in relation to the standard.

Making the decision

In deciding on any Report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Malpractice Committee will then seek to determine:

- whether malpractice has occurred.
- where the liability lies for the malpractice.

The Malpractice Committee will seek to make decisions unanimously, but, if necessary, may decide by a majority.

The Malpractice Committee will consider, as separate issues:

- whether or not there has been malpractice; and
- if malpractice is established, whether a sanction should be applied.

If the Malpractice Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches.
- the nature of any sanction or penalty to be applied

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied.

When deciding in a case, the Malpractice Committee will:

- Identify the condition/regulation / assessment plan requirement which it is alleged has been broken.

- Establish the facts of the case. Where there are conflicting statements the decision as to whether there has been malpractice is made by reference to the facts as disclosed by the report and any reasonable precedents
- Decide whether the facts as so established, breach regulatory conditions and any relevant frameworks, guidance, codes pertaining to qualifications or standards
- If malpractice has occurred, the Malpractice Committee will establish who is responsible for this and consider any points in mitigation.
- Determine an appropriate level of sanction or penalty, considering the least severe penalty first.
- The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e., that it is more likely than not).
- In situations where a case is deferred because the Committee requires further information to decide, the deferral and the nature of the request will be shared with the investigation team and the individual/parties against whom the allegation has been made.
- **In straightforward malpractice and/or maladministration cases where the evidence is not contested or in doubt, PAL may invoke a summary procedure. A sanction or sanctions may be applied and notified to the person or persons concerned without the need to go to a committee. Malpractice actions will still be shared with the regulator, where the regulator considers such reporting necessary and PAL as with any reported case will be guided by the relevant regulator's guidance or advice.**

Taking appropriate action once malpractice or maladministration is established

Under Condition A8.6 (b), where malpractice or maladministration is established, an AO must act or seek the cooperation of others in taking such action, to sanction those responsible.

AOs are required to ensure that the action is proportionate to the gravity and scope of the malpractice or maladministration found.

Proportionate action can only be taken once the facts of the case have been established.

AOs should therefore consider all relevant information when determining what action to take on a case-by-case basis. AOs should consider consequential effects, including the effect of the proposed sanction on the individual, in all cases when judging which action(s) are proportionate.

An AO must balance the consequences for the guidance on malpractice and maladministration individual against the seriousness and effects of the malpractice or maladministration. Under Condition H6.3 (b), where an AO discovers that a result is incorrect, it must consider whether to correct it, having regard to the relevant guidance. Under Condition I4.2(c), an AO must take all reasonable steps to ensure that it revokes any certificate if the result on the certificate is false because of malpractice or maladministration. It should consider how it will contact the Learners/apprentices involved to notify them of the status of their certificates and of any arrangements for re-assessment and/or certification, as well as their right of appeal.

The chair of the committee is responsible for recording the outcomes of the meeting, which will include minutes of the meeting, decisions, outcomes, and recommendations.

PAL in conjunction with the relevant regulator will share the committee's findings accordingly, in line with data protection requirements

Note for apprenticeship assessments, PAL does not certificate an Apprenticeship standard, a certificate is requested from the relevant government agency/department so to revoke a certificate PAL will need to advise the certificate issuer, and we will inform the relevant regulator.

Parties affected by incorrect results will be advised where initial results have been identified as incorrect, the consequences of this and any follow-up actions required.

Sanctions

Sanctions and penalties applied under this procedure are subject to appeal.

For learners/apprentices maladministration or malpractice identified during the training of the apprentice, should be addressed by the Centre¹¹, and the Centre should notify PAL of the event and results of any investigation. PAL will decide what further action as an AO we wish to take, or if we are satisfied with the actions of the Centre, where a potential or actual adverse effect has occurred PAL will report this to the relevant regulator. Where PAL has identified malpractice or maladministration by the learner/ apprentice, during any aspect of PAL activities with the Centre (for apprenticeships this can include assessment, subject to the requirements of the assessment plan), then PAL is able to impose sanctions and will as an AO impose sanctions where there is sufficient evidence of wrongdoing.

PAL will endeavour to protect apprentices/learners who, through no fault of their own, are caught up in a malpractice incident. It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual apprentices/learners, and it may not be possible to give those apprentices a result or permit a result to be retained.

When considering the action to be taken, PAL will balance responsibilities towards other apprentices/learners working on the same apprenticeship standard/qualification, and the individuals caught up in the malpractice incident. PAL will make representation to the relevant regulatory bodies¹² as the implications of malpractice may influence the wider apprenticeship community.

Results may also not be issued or may be revoked in cases where malpractice has occurred, but it was not established clearly who was to blame.

In cases where it is not reasonable or possible to determine responsibility for malpractice, but where the integrity of the assessment has been impaired in respect of an individual or individuals, PAL may decide not to accept the work submitted or undertaken for assessment. Where it is judged further or re-assessment of an apprentice's work might be required, this will be discussed with all affected parties, with the aims that any decision is equitable and maintains assessment integrity.

In some instances, with the knowledge and agreement from the regulator and where several assessment instruments are used to inform an overall grade, PAL may be able to use the grades from other assessment activities, if the malpractice is limited to one assessment type, however such an event would be exceptional as opposed to standard practice.

Review of decisions relating to malpractice and maladministration

Any individual or organisation has the right to appeal a malpractice or maladministration decision, and they have the right to receive a rationale for decisions made in connection with their case, they do not have the automatic right to have sight of information and evidence of third parties, unless such parties have given explicit consent that such information can be shared.

In the case an apprentice's assessment grade is amended or a request is made to revoke a certificate, PAL will advise the employer and Centre and the apprentice. If such contact is not possible, as the employer has ceased trading, and the provider is unable to trace the apprentice, PAL will use the contact details they have available to communicate with the apprentice/learner. In the case of qualifications, PAL will rescind any certification and advise the appropriate parties, based on the contact information PAL has at the time of revocation.

¹¹ Note for the parent Centre, PAL will be involved in an investigative review and advise the parent centre on the appropriate course of action that the Centre must follow

¹² In such an instance this will include the regulator Ofqual, along with other relevant agencies

Please see sanctions policy in respect of employers/Providers and centres.

Any information made available to the appropriate authorities will only include pertinent information to the case. Such information will include the name; offence and date of offence and sanction(s) applied.

Follow-up action

Condition D3.3 requires that where an event relating to an organisation has had an Adverse Effect, it must review, and revise where necessary, its approach to the development, delivery, and award of qualifications to ensure it remains appropriate.

PAL as part of its review and evaluation will use the event of a notification of malpractice and maladministration and any subsequent investigations and decisions as an opportunity to update its risk register and business continuity plan, in accordance with condition A6. PAL will take all reasonable steps to prevent recurrence of substantiated malpractice or maladministration, including revision of relevant policies and procedures.

Appendix Four Maladministration and Malpractice – What Centres Need to Know Summary

PAL expects all Centres and delivery partners to maintain the highest standards of assessment integrity. Maladministration or malpractice can occur accidentally (poor administration, inattention to instructions) or deliberately (intentional wrongdoing). PAL is required by Ofqual to investigate all suspected cases.

Your responsibilities as a Centre/ Third Party Provider/Employer:

- **Prevent** malpractice through good administration, secure assessment practices and trained staff.
- **Report** any suspected malpractice/maladministration to PAL **within two working days**.
- **Co-operate** fully with any investigation by PAL or an independent investigator.
- **Provide records/evidence promptly**, usually within 24 hours if requested.
- **Implement all required actions** within 5 working days of PAL's decision.
- **Ensure learners understand assessment rules**, especially relating to plagiarism, AI misuse, cheating and behaviour.
- **Have your own malpractice policy** that aligns with PAL's expectations.

How investigations work:

- PAL will decide whether **you investigate** or whether the case is **PAL-led**.
- PAL always leads investigations involving its parent centre.
- Investigations must be impartial—no one involved in the incident may investigate it.
- PAL may visit your Centre (announced or unannounced) and may request access to original records.
- Outcomes may include:
 - additional monitoring,
 - reassessment,
 - withholding/revoking results,
 - removal of personnel,
 - temporary suspension of registrations,
 - withdrawal of recognition (for serious cases).

When PAL must notify Ofqual:

PAL must notify Ofqual if:

- an Adverse Effect is possible or has occurred,
- results or certification may be affected,
- there is potential impact on public confidence.

Centres must therefore report issues promptly and transparently.

Appendix Five Maladministration and Malpractice Privacy Notice

Why we need your information and how we use it and how we use it

PAL's Maladministration and Malpractice policy defines what is regarded as maladministration and malpractice in accordance with the qualification regulator's general conditions of recognition which place a duty on any approved and regulated AO to have a policy and process that clearly describes what constitutes acts of maladministration and malpractice and what actions as a regulated organisation PAL will take, and how we will review, investigate and decide on any actions, where we are notified of any maladministration or malpractice incident.

Additionally, the IC and GDPR regulations, require us to have a data protection and privacy policy and to provide clarity regarding situations where processing of data is likely to include processing sensitive data.

Where PAL is notified, provided with, or discovers alleged or actual cases of maladministration or malpractice, PAL will use information it already holds and is useful to any review and investigation. Additionally, PAL will collect additional information, with the explicit purpose of determining the facts, establishing any wrongdoing, and issuing sanctions and making improvements to processes and policies and procedures to minimise further reoccurrence of the maladministration or malpractice events.

PAL will process personal data to carry out any valid investigations and to comply with legal and regulatory obligations. In relation to maladministration and malpractice, this will specifically enable PAL to:

- consider and investigate maladministration and malpractice incidents relating to the development, delivery, or award of regulated apprenticeships
- carry out investigations of third parties, for the purposes of considering their compliance with Ofqual's regulatory requirements and where appropriate other regulatory conditions and associated funding matters
- take action against individuals or organisations via sanctions

The lawful basis we rely on to process your personal data is:

6 (1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

6 (1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

6 (1) (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Article 9(2)(g) – processing is necessary for reasons of substantial public interest which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interest of the data subject. In respect of this condition, PAL would process data for statutory and government purposes; to ensure equality of opportunity or treatment; regulatory requirements and support for individuals with a particular disability or medical condition and safeguarding of children and individuals at risk.

PAL is a regulated assessment and awarding organisation, delivering assessment for a range of apprenticeship standards, working with many apprentices, employers, and providers along with a qualification offer.

As an AO we are subject to regulation by the qualifications regulator Ofqual under their general conditions of recognition and where applicable specific technical conditions, and we must comply with the apprentice standards and accompanying assessment plans as published by the relevant government agency.

Examples of data we may process under this condition, include witness statements individuals involved in the investigation, enrolment data, outcomes of initial assessments, CVs and certificates of persons involved in the investigation, assessment records and recordings.

Investigation of Maladministration and Malpractice incidents may include the need to collect and process sensitive data.

What personal data we collect and who has access to it

We will ask for your name and an email address (as we will email you a copy of our Maladministration and Malpractice (M&M) policy and direct you to the Data Protection and Privacy Policy¹³. Our M& M policy and investigation procedure details what other information we require to effectively deal with a maladministration or malpractice disclosure.

If you are worried about being identified in making a M&M declaration, you can make a disclosure to PAL anonymously. We treat anonymous disclosures just as seriously as those made openly. However, if you do make a disclosure anonymously, we may not be able to investigate your concerns as effectively and in some cases in relation to malpractice we maybe required to share your information.

We recognise that the personal information in a M&M declaration can relate to the declarer, the accused, witnesses, or others that are mentioned. We rely on Article 6 (1)(a) and (f) of the GDPR as our lawful basis to process this personal data and Article 9 (2) (g) of the GDPR and from the Data Protection Act 2018, the processing is necessary for the purposes of complying with a regulatory requirement which involves taking steps to establish whether another person has committed an unlawful act, or been involved in dishonesty, malpractice, or other seriously improper conduct (Sch 1, Part 2, Paragraph 12).

For more information about how PAL processes personal data, please refer to our personal data protection and privacy policy.

To ensure PAL deals with any M&M allegation equally and fairly, all disclosures, including those sent to any named person, or department within PAL including the Managing Director or board members, will be addressed in accordance with the Maladministration and Malpractice Policy.

Your information will be shared internally with PAL staff in relevant departments in order that we can handle, investigate, and respond to any alleged or actual occurrence of maladministration and or malpractice. Internal access to information processed as part of the investigation is granted to limited individuals who need to have access to the information. Our aim always is to ensure as far as possible the confidentiality of the information received and to protect individual or individuals identities and all other persons involved.

Investigations and the constitution of any committee will ensure persons involved in such activities have not been involved or associated with the event, or events leading to a M&M declaration or identification. Those involved in any investigation, or the committee will treat with care and respect, personal data provided, collected, or shared with them and they will abide by the relevant PAL policies and GDPR and data protection requirements

In cases involving maladministration and notably malpractice, because of the potential of such an event to have a potential or actual adverse effect, we will need to share, in most of the cases information pertaining to the incident and our response, to include the nature and scale of the incident, the scope of the investigation and the constitution and terms of reference to any committee constituted. Where we share such information, we will ensure we only provide the data and information that is essential to establish the facts and provide a rationale for any subsequent action we take, or to request guidance or recommendations from other parties such as the regulator or funding

13 These policies are available via PAL's website

body. In some cases, we will also be expected to share information pertaining to the M&M event to other awarding organisations (AOs)

Ofqual's event notification requirements also require us to share information with their events team.

We may also share your information with other organisations, such as government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share your information.

Where your personal data is stored and how long we keep it

Your personal data will be stored securely in PAL's maladministration and malpractice case management files and email systems. Access to this information is strictly controlled and reviewed and it is the preserve of the Business Operations Director to approve and authorise any access to your information in these matters.

Maladministration and malpractice declarations and discoveries and subsequent investigations are logged in PAL's relevant governance log, the details in the log can only be accessed by senior PAL personnel and we aim to keep information limited to the essential facts, to include dates and timelines.

PAL will be obliged to retain records for a period of six years, in accordance with our retention of data for Assessment and awarding activities.

How PAL protects your personal data

PAL takes the security of your personal data seriously. PAL has internal policies and controls in place to protect your data from loss, accidental destruction, misuse, or disclosure. Some of the ways in which PAL protects your personal data include:

- implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- regular review of PAL's information assurance and security policies and procedures
- on-going training and awareness for staff on information assurance and security
- regular review of security and cyber risks

Your rights

PAL is committed to being transparent about how it collects and uses your personal data and to meeting its data protection obligations. PAL is a Data Controller under data protection legislation, and we comply with the data protection principles when processing your personal information.

Under data protection legislation, you have a number of rights. You can:

- access and obtain a copy of your personal data
- require PAL to rectify / change incorrect or incomplete personal data
- require PAL to delete / erase your personal data (in certain circumstances)
- request PAL restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format
- object to the processing of your personal data (in certain circumstances)

In terms of restricting how PAL processes your personal data, please be aware that we cannot guarantee your confidentiality and in cases of proven maladministration or malpractice we are in most cases obligated to make

available such information to the regulator, who will follow their data privacy notices and data protection policy in handling such data.

We may also need to disclose your identity where we are required to do so, for example if the malpractice has led to fraudulent claims of government and levy funds, for legal reasons we may be required to share our findings. We do, however, take the issue of maintaining the confidentiality of individuals involved in M&M cases seriously and we will protect your identity as far as possible, balancing your privacy rights against our legitimate interests and the public interest in respect of safeguarding the integrity of the apprenticeship standards.

If you wish to discuss your data subject rights you can contact PAL's DPO by emailing info@professionalassessment.co.uk, noting in the subject header you are enquiring or asking about your rights to access personal data. Alternatively, you can write to the Director of Audit and Compliance at Professional Assessment Ltd Connect House, Kingston Road, Leatherhead, Surrey. KT22 7LT

In respect of any enquiries regarding maladministration or malpractice, you should refer to the maladministration and malpractice policy and use the contact mechanisms detailed in this policy.

To access privacy notices for Ofqual the qualifications regulator please visit their [personal information charter](#)