



ANTI-FRAUD, MALPRACTICE AND MALADMINISTRATION POLICY

Effective for employees, students, directors, and volunteers on or after 1 September 2023

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Please Note: A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance and updates on the subject.

DOCUMENT CONTROL

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Fran Deeley

Signature: _____

A handwritten signature in black ink, appearing to read "Fran Deeley", is written over a horizontal line.

Date: 13.07.23

Designation: Director of Operations

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A large, light green graphic of two hands reaching towards each other, partially obscured by the text. The hands are stylized and set against a circular arc.

Education Support
S E R V I C E S

SCOPE

1. This policy works alongside the ESS Staff Conduct and Discipline Policy and the ESS Student charter and Student Disciplinary Policy.
2. This Policy applies to all employees, contractors, partners, service providers and Learners. This will also include employees of other organisations who are based in, or work at, ESS Education & Support Services occupied premises.
3. The policy relates to all activity carried out by ESS Education & Support Services (ESS), at all geographical locations, where ESS deliver services.
4. The Policy relates to the process for reporting and investigating any incidents of fraud, malpractice or maladministration.

INTRODUCTION

ESS Education & Support Services (ESS) is a charitable incorporated organisation that supports vulnerable young people aged 10-25 in Somerset and the wider South West region. ESS works with Parents, Carers, Schools and Councils in the South West to provide bespoke alternative learning provisions for children, young people and vulnerable adults who have disengaged with tradition education delivery and/or have additional learning support needs.

Due to the nature of the work ESS Education & Support Services undertakes, which includes dealing with students on education/apprenticeship training programmes there is the potential risk of fraud, malpractice or maladministration in relation to testing and exams organised by and/or taking place on ESS Education & Support Services premises.

This policy has been formulated to provide guidance on the process to deal with these potential risks; to enable ESS Education & Support Services to provide assurance that any cases of fraud, malpractice or maladministration will be dealt with effectively and efficiently by ESS.

DEFINITION:

'Malpractice and maladministration is a deliberate or reckless act of an individual or business to dishonestly claim learning outcomes and or certificates for candidates, delegates and learners' (definition from CITB Malpractice and maladministration policy).

'Fraud is a criminal activity, defined as an act of deception intended for personal gain or to cause loss to another person or party. This can include theft, the misuse of funds or resources, failure to disclose information, false representation or abuse of a position of trust'.

Examples of fraud, malpractice and maladministration are (but not limited to):

- Student/Candidate/ fraud, malpractice or maladministration:
 - Plagiarism of work
 - Copying or collusion, or attempted copying or collusion, during an examination or of other assessed work.
 - Obtaining unauthorised access to assessment or examination material
 - Using, or trying to use, unauthorised material or other aids in a 'closed book' assessment or examination (e.g., unauthorised electronic media, such as mobile phones and palm tops, notes, books and study guides)
 - Behaviour which disrupts, or has potential to disrupt, the smooth running of the examination and/or text.
 - Not following the Invigilators instructions
 - Impersonating someone else, to take a test/exam on their behalf.
 - Forgery of signatures
 - Forgery/altering of evidence, results, documents or certificates.
- ESS personnel fraud, malpractice or maladministration:
 - Improper assistance to candidates
 - Inventing or changing marks for internally assessed work (coursework /portfolio evidence), where there is insufficient evidence of the candidate's /student's achievements to justify the mark given or assessment decision made.
 - Falsifying records to support someone impersonating a student to take an exam/test for another individual.
 - Colluding with individuals seeking to de-fraud ESS Education & Support Services in any way.
 - Forgery or tempering with assessments and/or training and/or testing/exam records.
 - Forgery of signatures
 - Forgery and/or tampering with Candidate/student evidence.
 - Failure to follow invigilation guidelines or other guidelines stipulated by Awarding Bodies, Endpoint Assessment Organisations (EPAOs) or other regulating bodies.
 - Deliberate Failure to follow Administrator responsibility guidelines effectively (I.e. failure to carry out Administrator duties or ensuring exams/tests are accurately administered and invigilated; thereby jeopardising the validity of the result for the student/candidate)

- Failure to input correct details in a timely manner for students or deliberate inputting incorrect details jeopardising and/or adversely affecting the student's ability to successfully complete their qualification and or exam/assessment/test.
- Sharing of confidential passwords for external secure systems, to unauthorised personnel.
- Unqualified Teaching and Learning Mentors/TLMs (ESS Education & Support Services teaching staff), Assessors and/or Internal Quality Assurance staff claiming learning outcomes have been met (I.e., signing off work and/or other learning activities; when they have no authority to do so).
- Failure to allow Awarding Bodies (City & Guilds etc.) and other official bodies (e.g., Ofsted or ESFA Inspectors) access to ESS Education's & Support Services premises and/or records and students.

REPORTING PROCESS

Anyone involved in the training delivery and/or assessment/examination/testing process on behalf of ESS Education & Support Services; or one of the Awarding Bodies, EPAOs or regulatory bodies associating with ESS, has a duty to report any identified incident of alleged Fraud, malpractice or Maladministration.

ESS Education & Support Services' Process for reporting incidents

The process is as follows:

- Incident to be reported in writing – by letter, or email to the appropriate Director of Operation.
- The incident report should include:
 - The Reporting person's name, job title and address
 - The student's/candidate's name and the numbers and names of all those known to be involved.
 - The location/part of ESS where the incident occurred.
 - The details of the apprenticeship standard/qualification/test involved.
 - The details of the allegation (i.e. what happened, times, dates, venues etc.)

Additional process to follow if the incident relates to a recognised qualification.

In the event the incident relates to a qualification and/or exam/test which ESS Education & Support Services are delivering on behalf of an Awarding Body/Organisation (e.g. City and Guilds) ESS Education & Support Services must:

- Follow the Awarding Body/Organisation's reporting process/policy relating to Fraud, Malpractice or Maladministration as appropriate.

INVESTIGATION PROCESS

Upon receipt of the incident report the Director of Operations will:

- Confirm receipt of the incident report, within 10 working days; explaining the planned process for investigation of the alleged incident.
- Incidents will be investigated, as appropriate to the nature of the incident and as well as remote investigation (review of records held etc.) may involve interviews with those alleged to be involved and the gathering of evidence to enable an informed judgement to be reached.
- ESS Education & Support Services' Investigators will **aim to complete the investigation within 28 working days**, but **for more complex incidents** the aim will be to complete the investigations **within 2 months** from the receipt of the incident report.
- **Within 10 working days**, following the investigations the relevant Director of Operation will issue a letter notifying of the decisions from the investigation and listing any actions identified to address any potential weaknesses in ESS Education & Support Services' processes and procedures utilised by those involved to de-fraud ESS Education & Support Services and/or to undertake the malpractice/maladministration.

INVESTIGATION FINDINGS – TYPE OF ACTION PLANS RESULTING

Some of the actions that may be taken following an investigation confirming evidence of Fraud, Malpractice or Maladministration are (but are not confined to):

- For Student/learner Malpractice, maladministration or fraud:
 - The student/Learner may be removed from the training programme
 - They may be at risk of being stripped of their achievement award by the Awarding Body.
 - The individual Student/Learner will face the process and actions included in the ESS Education & Support Services Student Disciplinary Policy.
- For ESS Education & Support Services staff member being involved in Fraud, Malpractice and/or Fraud:
 - The Staff member will face ESS Education & Support Services Conduct and Discipline Policy and Processes.
 - This may involve dismissal.



- ESS Education & Support Services will publish a full action plan, if there are any actions identified to tighten up ESS Education & Support Services processes and procedures to prevent a recurrence of such fraud, malpractice or maladministration happening in the future.

APPEALS

ESS Education & Support Services investigation findings may be appealed against, in the event the individuals involved in the alleged Fraud, Malpractice and/or Maladministration disagree with the findings.

ESS Education & Support Services Appeals Policy and Process lays out the steps to be followed to lodge an appeal and how it will be dealt with.

Any appeal must be made within 10 working days of the date of the Findings letter, issued by the Chief Executive Officer.

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