

Malpractice and Maladministration Policy

Policy

This policy sets out how Energy & Utility Skills and employers, providers, trainers and individuals can work together to reduce the risk of malpractice and maladministration and how we will respond should we be made aware of any such malpractice and maladministration.

We aim to prevent cases of malpractice and maladministration occurring through our quality assurance activities, on-going monitoring, supporting visits and documentation. Nevertheless, we realise that incidents or occurrences happen that could have a detrimental effect on the individual, provider, trainer, employer and / or ourselves and therefore have to be investigated.

What is malpractice and maladministration?

Malpractice is an activity or practice that is unethical or illegal, or which deliberately breaches regulations and rules (such as the Energy & Utility Skills Quality Framework or Health and Safety legislation) and compromises, or could compromise, the validity, reliability or reputation of Energy & Utility Skills, our schemes or EUSR.

Maladministration is an activity or practice which results in unintended non-conformance with our approval or delivery criteria, processes or assessment requirements. Recurring instances of maladministration may be considered serious enough to be treated as cases of malpractice.

Malpractice and maladministration can occur at an employer, provider, trainer or individual level.

Scope

This policy covers all activities and documentation relating to the delivery and assessment of our schemes and programmes as well as the registration of individuals on EUSR; examples of such activities or documentation:

- Provider, trainer or assessor approval
- Energy & Utility Skills endorsement of a training programme
- Late EUSR registrations i.e. more than 28 days following the training course and / or assessment
- Inaccurate and / or fraudulent registration of individuals on EUSR
- Persistent failure to adhere to EUSR registration procedures
- Internal quality assurance activities, policies and processes within an employer, provider or trainer, including moderation and verification
- Excessive direction or improper assistance from employers, providers or trainers to individuals
- Failing to declare Conflicts of Interest that may affect the integrity of an assessment
- Storage and confidentiality of assessment materials, paper based or electronic
- Remote delivery and assessment

- Delivery and marking of assessments and return of assessment materials
- XAMs e-learning or e-assessment administration
- XAMs e-assessment invigilation
- Invigilation
- Issuing of EUSR Cover Notes
- Maintaining on-going approval requirements
- Inappropriate use of our logos or branding
- Misrepresentations of your relationship with Energy & Utility Skills
- Delays in responding to requests for information or detail
- Collusion, or permitting collusion, between employers, providers, trainers and individuals in relation to assessment
- Impersonation or arranging for someone to impersonate an individual
- Requests for reasonable adjustments or special considerations
- Requests for replacement EUSR cards

An incident or occurrence may suggest malpractice which, following investigation, may then be proven or not proven. Dealing with such incidents will also help us, and others, identify improvements to practices to reduce the risk of malpractice or maladministration occurring.

Preventing Malpractice and Maladministration

An employer, provider or trainer must take all reasonable steps to ensure that the potential for malpractice and maladministration is removed. Such reasonable steps include:

- Anybody who identifies, or is made aware of, suspected or actual cases of malpractice or maladministration must immediately notify Energy & Utility Skills
- Procedures on prevention and investigation of malpractice and maladministration are in place, kept up to date and communicated to all involved in the delivery or assessment of our schemes or the registration of individuals on EUSR
- Appropriate action is taken against those responsible for any malpractice or maladministration
- Actions are taken immediately to manage and rectify any identified incidents or occurrences of malpractice or maladministration

Removal of EUSR Registration

We reserve the right to suspend or remove an individual's EUSR registration where there is evidence of fraudulent activity, such as the use of fraudulent qualification certificates as evidence or, identity theft, whether or not the fraudulent activity was known to have taken place by the individual. We work closely with awarding bodies, CSCS, CITB and the Police where we are aware of such activity and will always take action.

Process

We encourage disclosures about malpractice and maladministration being made to us in writing as this helps us to ensure that all points are understood and to help us identify who is best placed within Energy & Utility Skills to respond.

Email: quality@euskills.co.uk **Phone:** 0121 745 1310

To enable us to respond efficiently, we need you to provide us with as much information as possible:

- Your contact information – name, address, email address and telephone number
- Your EUSR number (if relevant)
- The employer, provider, trainer or individual(s) name (if relevant)
- The Energy & Utility Skills scheme or programme (if relevant)
- A clear description of the malpractice or maladministration
- Copies of any relevant or associated paperwork

Disclosures or allegations of malpractice and maladministration must be made as soon as possible after the incident or occurrence. We aim to:

- Acknowledge receipt within 2 working days
- Communicate a full response within 15 working days; in some cases, for example if the incident or occurrence is complex, or involves more than one employer, provider, trainer or individual, then it may take a little longer to investigate and in such instances we will let you know and keep you informed on the progress of our investigation

During the investigation of malpractice or maladministration, we reserve the right at any time to follow our sanctions policy and apply the following actions or sanctions:

- Action plan
- Suspension and / or removal of pre-registration and registration on EUSR
- Suspension of approval for a scheme or programme
- Withholding of EUSR Cover Notes or EUSR cards / replacement cards
- Any other necessary, appropriate and proportionate action

If we receive allegations of maladministration and / or malpractice from an individual who wishes to remain anonymous and / or does not disclose any contact details to us, as long as we are provided with enough information, we may still investigate.

Following our investigation, the outcome will be:

- Malpractice or maladministration has been found or, on the balance of probabilities, is highly likely to have occurred – proportionate action will be taken
or
- Malpractice or maladministration has not been found - no action will be taken
or
- Malpractice or maladministration is likely to have occurred but there is insufficient evidence or proof – proportionate action may still be taken