Adverse Effects Policy

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SMART AWARDS
Awarding Platform for Smart Qualifications

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SCOPE

1. This policy covers potential incidences relating to Smart Awards qualifications, third parties and centres engaged in the development, delivery of qualifications, and assessment that could have an adverse effect on learners. This policy maps to Ofqual general conditions and SQA Accreditation principles.

OFQUAL GENERAL CONDITIONS

2. A1.1: An awarding organisation must not, by means of any act or omission which has or is likely to have an Adverse Effect, render itself unsuitable to continue to be recognised for the award of a relevant qualification.

3. B3.: An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.

4. D3.3: Where an event relating to an awarding organisation (or an event, of which it is or should be aware, relating to any other awarding organisation) has had an Adverse Effect, the awarding organisation must review and revise where necessary its approach to the development, delivery and award of qualifications to ensure that its approach remains appropriate.

5. C3.1: Where an awarding organisation has in place an endorsement process, the awarding organisation must: (a) take all reasonable steps to ensure that the endorsement process does not have an Adverse Effect.

SQA ACCREDITATION PRINCIPLES

6. Principle 5. The awarding body shall provide clear information on its procedures, products and services and ensure that they are accurate and appropriate to SQA accredited qualifications.

RESPONSIBILITIES

7. This is policy is for qualifications offered by Smart Awards. This policy is for centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery and quality assurance of Smart Awards qualifications. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) are accountable to this person. Only one A can be assigned to a task
C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.
I	Informed	Anyone whose work depends on the process or task and who has to be updated about the progress after a decision or action has been taken (one-way communication).

POLICIES	BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	CENTRES
Awarding Policies and Process												
Adverse effects	A	R	R	R	R	R	C	I	I	R	I	R
ASSOCIATED POLICIES												
Risk management												
Malpractice/maladministration												
Centre recognition												
Centre monitoring												
Holiday/Sickness Cover												
The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD. CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.												

8. Everyone involved in the delivery of Smart Awards qualifications have the responsibility to take all reasonable steps to ensure they are aware of the contents of this policy and that centre staff are aware they have the responsibility to report any situations which could have an adverse effect on learners.

9. When an adverse effect is raised Smart Awards staff and centres are required to:
   - Notify Smart Awards immediately of any adverse event
   - Promote a culture where it is acceptable for staff to report all adverse events
   - Investigate all adverse events
   - Action is taken and all reasonable steps put in place to prevent reoccurrence of any adverse event
   - Lessons are learned and communicated following an adverse event

ADVERSE EFFECT

10. An 'Adverse Effect' is defined as: An act, omission, event, incident or circumstance has an 'adverse effect' if it gives rise to prejudice to learners or potential learners, or adversely effects the development, delivery or award of qualifications which relate to:

    - The standards of qualifications or proposes
    - Public confidence in qualifications
    - The delivery of an assessment which threatens Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by learners
    - Being able to meet a published date for the issue of results or the award of a qualification
    - Issuing incorrect results or certificates
    - An incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect Smart Awards
    - Increase in costs that result in stopping a learner completing and obtaining certification
    - A criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any regulatory or government body
    - A person is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory or government body.
    - Misleading learners through statements, advertisements or promotions resulting in learners being disadvantaged and not achieving a recognised qualification
    - Learners made redundant before assessment complete

- Approved centre ceases trading
- Confidentiality of assessments

REPORTING AN ADVERSE EFFECT

11. Centres or learners must inform Smart Awards of any adverse effects at the earliest opportunity and include information relating to:
    - The nature and cause of the incident
    - The number of learners affected
    - The possible or actual impact on learners
    - How the incident came to light
    - Whether other centres/learners/stakeholders are aware of the incident
    - Action plan detailing causes and effects, and to mitigate adverse impact

12. Where an adverse effect is reported, Smart Awards will:
    - Add to Smart Awards risk register on SAMS
    - Acknowledge receipt of the notification
    - Confirm the timelines to any investigation
    - Obtain evidence
    - Confirm the facts, establish additional factors, circumstances and scale
    - Consider whether sufficient information and assurance that all necessary mitigating actions to protect the interests of learners have been taken
    - Identify whether the incident is an isolated occurrence or has wider implications for other learners, qualifications, centres and awarding bodies
    - Identify any patterns or trends
    - Identify any changes to policy or procedure that need to be made
    - Ensure confidentiality
    - Report to the regulators where appropriate
    - Retention and storage of evidence and records
    - Consider the scale and the scope and take preventive action to mitigate adverse effect
    - Make necessary changes to systems and procedure
    - Communicate lessons learned
    - Keep under review on the risk register

VALIDITY

13. Validity and the principles of equity, fairness and practicability will be reviewed with any reported adverse effect. This will include checking that the qualification is still valid and appropriate for its purpose. That it still effectively tests the knowledge, skills and behaviour as prescribed within the assessment strategy. Enable results to be trusted as a measure of what a learner knows and can do. Has a purpose and content that meets the needs of the learner and is graded in line with clear and defensible prescriptions contained in the assessment plan.

REPORTING TO THE REGULATOR

14. If appropriate, an adverse effect will be reported to the regulators at the earliest opportunity, using the 'notification to regulator' form as shown below.

Title of notification:			
Raised by:		Date Raised:	
Details of notification or adverse effect:			
☐	Name of accountable/responsible officer		
☐	Change of accountable/responsible officer		
☐	Name of senior officers		
☐	Change of senior officers		
☐	Change in governance structure		
☐	Notification of an adverse effect		
☐	Other		
Summary of change or adverse effect			
Impact Analysis:			
Implications and relationships			
Details of consultation internal and external stakeholders *(Enter details of the consultation that has taken place to ensure that all parties have been consulted have been consulted)*			
Internal approval and level of priority:			
☐	Priority 1 = Mission critical problem resolution, immediate response required 1-2 weeks		
☐	Priority 2 = High importance, no workaround -1 month		
☐	Priority 3 = Important, workaround is available – 1-3 months		
☐	Priority 4 = Low importance – 3 -6 months' plus		
Authorised Signature:	Business Deadline:	Date:	

REVIEW OF THIS POLICY

15. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

PROCESS FOR RAISING ADVERSE EFFECT

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Notification issued to Smart Awards	Process	Centre Manager	Centre
Notification issued to Smart Awards	Process	Smart Awards Staff, Learner, EQA, Assessor, employer	Other stakeholders
Investigate issue	Process	MD	Smart Awards
Add to risk log on SAMS	Process	MD	Smart Awards
Board reviews risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Action	Decision	Board - holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Report to regulators if required	Process	MD	Smart Awards
Communicate outcome to centres or other stakeholders	Process	MD	Smart Awards
Lessons learned	Process	MD	Smart Awards
Keep under review on risk register	Process	Board	Smart Awards
Stop	End	MD	Smart Awards

PROCESS FOR RAISING ADVERSE EFFECT - FLOWCHART