



ADVERSE EFFECT POLICY



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1. SCOPE

1.1. 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.

2. RESPONSIBILITIES

2.1. This 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.

2.2. 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.

2.3. 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.

3. ADVERSE EFFECT

3.1. 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

4. REPORTING AN ADVERSE EFFECT

4.1. 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.

6.2. 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.

5. VALIDITY

5.1. 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.

6. REPORTING TO THE REGULATOR

6.1. 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 Notifying Ofqual:	
Awareness	
How did you become aware of this event?	
Nature and Cause of Event:	
Adverse Effect Type	
Adverse Effect Description:	
Who is Aware:	
Date you will provide next update:	
More Information:	
Affected - Qualifications and units	
Affected - Centres	
Centre Number	
Number Directly Affected	
Affected - Learners	
Number Directly Affected	
Actions Taken	
Identify Cause and Effect:	
Mitigate the Adverse Effect:	
Prevent Re-occurrence:	
Are You Declaring Non-Compliance	

7. REVIEW OF THIS POLICY

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

8. PROCESS FOR RAISING ADVERSE EFFECT

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Notification issued to Smart Awards	Process	Employer/ Training Provider Manager	Employer/ Training Provider
Notification issued to Smart Awards	Process	Smart Awards Staff, Apprentice, EQA, Assessor, employer	Other stakeholders
Investigate issue	Process	Head of Apprenticeships	Smart Awards
Add to risk log on SAMS	Process	Head of Apprenticeships	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	Head of Apprenticeships	Smart Awards
Communicate outcome to employers, training providers or other stakeholders	Process	Head of Apprenticeships	Smart Awards
Lessons learned	Process	Head of Apprenticeships	Smart Awards
Keep under review on risk register	Process	Board	Smart Awards
Stop	End	Head of Apprenticeships	Smart Awards

9. OFQUAL GENERAL CONDITIONS

9.1. 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.

9.2. 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.

9.3. 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.

9.4. 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.

10. SQA ACCREDITATION PRINCIPLES

10.1. Principle 4. The awarding body must demonstrate an effective approach to the identification and management of risk.

10.2. Principle 18. The awarding body and its providers must ensure that it has safeguards to prevent and manage cases of malpractice and maladministration.