



MALPRACTICE AND MALADMINISTRATION POLICY



Version Number	Date	Purpose of Change	Classification	Sign Off
V4.1	10/11/2025	Merge of EPA and Awarding policy new content and formatting	Public	Kerry Ore

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1. POLICY STATEMENT

1.1 Smart Awards is committed to maintaining the integrity, validity, and reliability of all qualifications, apprenticeship assessments, and End-Point Assessments (EPAs).

1.2 This policy provides a consistent approach to preventing, investigating, and managing cases of malpractice and maladministration across all Smart Awards provision.

1.3 It applies to all learners, apprentices, centres, employers, training providers, independent assessors, and Smart Awards staff involved in the development, delivery, assessment, and quality assurance of qualifications and EPAs.

2. SCOPE

2.1 This policy applies to:

- Qualifications regulated by Ofqual and SQA Accreditation.
- Apprenticeship Assessments delivered under assessment plans approved by Skills England
- End-Point Assessments (EPAs) delivered under assessment plans approved by Skills England

2.2 It covers all Smart Awards staff, centres, assessors, employers, training providers, and apprentices.

2.3 The policy sets out:

- Preventive measures for malpractice and maladministration.
- Procedures for investigation and reporting.
- Responsibilities of all parties involved.
- Actions, sanctions, and communication procedures following investigations.

3. RESPONSIBILITIES

3.1 Smart Awards has overall responsibility for preventing, identifying, investigating, and resolving cases of malpractice and maladministration.

3.2 Centres, employers, and training providers are responsible for implementing local arrangements to prevent, detect, and report any actual or suspected cases.

3.3 The following roles have defined responsibilities:

- Head of Product Development – qualifications.
- Head of Apprenticeships – EPAs and apprenticeship assessments.
- Responsible Officer / CEO – oversight, reporting to regulators, and escalation to the Board.

3.4 All learners, apprentices, assessors, and centre staff must cooperate fully with any investigation and comply with all reporting and evidence requests.

3.5 Failure to report suspected malpractice or maladministration, or to have effective arrangements to prevent such cases, may result in sanctions.

4. PREVENTION

4.1 Smart Awards, its centres, and delivery partners must:

- Provide clear and accurate information about assessment requirements.
- Ensure staff and assessors are appropriately trained.
- Maintain secure assessment and certification records.

- Implement policies to identify and report conflicts of interest.
- Carry out internal audits and external quality assurance reviews.

4.2 Centres and employers must brief all assessors, tutors, and apprentices on malpractice and maladministration procedures before assessment begins.

5. DEFINITION OF MALPRACTICE

5.1 Malpractice is any deliberate act, neglect, default, or other practice that compromises the integrity of assessment, the validity of results or certificates, or the reputation of Smart Awards.

5.2 It includes (but is not limited to):

- Falsification or fabrication of assessment evidence or results.
- Fraudulent certification claims.
- Plagiarism, impersonation, or collusion.
- Failure to maintain auditable records.
- Breach of confidentiality in assessment materials.
- Misuse of Smart Awards' name, logo, or trademarks.
- Intentional non-compliance with reasonable adjustments or special consideration procedures.
- Unauthorised access to or amendment of assessment or certification data.
- Withholding critical information from Smart Awards.

6. EXAMPLES OF MALPRACTICE

6.1 Centre, Employer or Training Provider Malpractice

Examples include:

- Denial of access to Smart Awards or regulators.
- Failure to meet conditions of recognition or approval.
- Refusal to supply requested evidence or information.
- Collusion or permitting collusion in assessments or exams.
- Misuse or falsification of records.
- Plagiarism or tolerance of plagiarism.
- Fraudulent claims for certification.
- Breach of assessment security (loss or theft of assessment materials).
- Misrepresentation of relationships or approval status.
- Cash-for-certificates or other corrupt practices.
- Unauthorised use of assessment papers, equipment, or technology.

6.2 Learner or Apprentice Malpractice

Examples include:

- Forgery or falsification of assessment evidence.
- Plagiarism or copying.
- Collusion during an assessment.
- Impersonation.
- Disruptive behaviour during assessment.
- Tampering with another learner's work.
- Use of unauthorised materials or technology.
- Cheating or accessing restricted information.
- Submitting false identification or declarations.

7. DEFINITION OF MALADMINISTRATION

7.1 Maladministration is defined as any act of neglect, mistake, or poor administration which leads to or could lead to an adverse effect or compromises the integrity of assessment or certification.

7.2 Examples include:

- Persistent failure to adhere to registration or certification processes.
- Delays in communication or data entry.
- Failure to maintain auditable records for at least three years.
- Inaccurate learner or apprentice data.
- Failure to train invigilators or assessors adequately.
- Failure to follow approved assessment and quality assurance procedures.
- Misuse of Smart Awards branding or materials.
- Withholding of essential information required for audit or investigation.

8. RAISING AN ALLEGATION OF MALPRACTICE OR MALADMINISTRATION

8.1 Anyone who suspects malpractice or maladministration must report it immediately to Smart Awards in writing by email, providing supporting evidence. (quality@smartawards.co.uk)

8.2 The report should include:

- Centre/employer/training provider name and number.
- Learner/apprentice name and registration number.
- Details of staff involved (if applicable).
- Qualification or EPA affected.
- Description of the issue and any initial investigation.
- Date of incident and name/contact of the person reporting.

8.3 Anonymous allegations will be investigated where sufficient evidence exists. Smart Awards will protect the identity of informants wherever possible.

9. CONFIDENTIALITY AND WHISTLEBLOWING

- Smart Awards complies with relevant whistleblowing legislation and regulatory guidance.
- Individuals may request anonymity if there are concerns about potential consequences.
- Information will only be disclosed to others (e.g. regulators, police, or law enforcement) where legally necessary or required to progress an investigation.
- All allegations are handled confidentially, impartially, and in line with data protection legislation.

10. INVESTIGATION PROCEDURE

All suspected cases will be examined promptly by Smart Awards.

10.1 Allocation:

- The Responsible Officer allocates a competent investigator with no personal interest in the outcome.
- The investigator may be an independent external specialist.

10.2 Investigation process:

- The Centre, employer, or training provider will be notified in writing.
- The investigator will gather evidence, interview relevant parties, and review documentation.
- Findings will be recorded objectively and securely.
- Investigations will be completed within a reasonable timeframe (normally within 30 working days).

10.3 Reporting:

- A draft report is shared with all parties to confirm factual accuracy.
- A final report is submitted to the CEO for review.
- Relevant regulators (Ofqual, SQA Accreditation) are informed within 5 working days of confirmed malpractice.

11. ACTIONS AND SANCTIONS

11.1 Where malpractice or maladministration is confirmed, Smart Awards may take one or more of the following actions:

- Require additional monitoring visits or audits.
- Impose conditions on approval or recognition.
- Withdraw approval or suspend delivery.
- Require re-training or removal of assessors or IQAs.
- Impose sanctions on learners/apprentices (e.g. loss of credits, disqualification).
- Withhold or invalidate certificates.
- Require corrective action plans and follow-up reviews.
- Notify regulators, funding bodies, or employers.
- Refer cases to the police or other authorities in cases of fraud or criminality.

11.2 All sanctions will be proportionate to the nature and impact of the malpractice or maladministration.

12. INVESTIGATION OUTCOMES AND REPORTING

12.1 Following an investigation:

- Smart Awards issues a written decision, outlining findings, actions, and timelines.
- Centres, employers, and learners/apprentices have the right to appeal under the Smart Awards Appeals Policy.
- Lessons learned are recorded and reviewed by senior management to strengthen prevention measures.

13. VALIDITY AND CONTINUOUS IMPROVEMENT

13.1 Smart Awards continually reviews its assessment and quality assurance systems to ensure:

- Fairness, reliability, and transparency in decision-making.
- Qualification and EPA validity.
- Effective prevention of recurrence of malpractice and maladministration.
- Continuous improvement based on lessons learned from investigations and audits.

14. NOTIFICATION TO REGULATORS

14.1 Smart Awards will notify regulators promptly of any confirmed or suspected incidents that may:

- Lead to an adverse effect;
- Affect learners, apprentices, or employers;
- Impact public confidence in qualifications or EPAs.

14.2 Reports will include:

- Date of discovery;
- Nature and scope of incident;
- Qualifications or EPA standards affected;
- Number of centres or apprentices affected;
- Actions taken and proposed timescales;
- Date for regulator updates.

15. MONITORING

15.1 The CEO and Board review the effectiveness of this policy annually through self-assessment, audit, and incident evaluation.

15.2 Trends and lessons learned are reported quarterly to the Board to inform training, policy revisions, and risk management.

16. REVIEW OF THIS POLICY

16.1. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators.

17. OFQUAL GENERAL CONDITIONS

17.1 A8.1: An awarding organisation 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.

17.2 A8.2: Where any such malpractice or maladministration is suspected or alleged, and where there are reasonable grounds, the awarding organisation must –

- (a) establish whether malpractice or maladministration has occurred, and
- (b) promptly take all reasonable steps to prevent any Adverse Effect, mitigate it as far as possible, and correct it.

17.3 A8.3: The awarding organisation must establish, maintain, and comply with up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration and ensure investigations are carried out rigorously, effectively, and by competent persons with no conflict of interest.

17.4 A8.4: Where a centre undertakes any part of the delivery of a qualification, the awarding organisation must review the centre's arrangements for preventing and investigating malpractice and maladministration.

17.5 A8.5: Following a request, the awarding organisation must provide guidance to centres on how to prevent, investigate, and deal with malpractice and maladministration.

17.6 A8.6: Where malpractice or maladministration has occurred, the awarding organisation must take all reasonable steps to prevent recurrence and take proportionate action against those responsible.

17.7 A8.7: Where malpractice or maladministration may affect another awarding organisation or centre, the awarding organisation must inform them.

17.8 B3.2: Such events include where –

- (a) there is a substantial error in assessment materials;
- (b) there has been a loss or theft of, or breach of confidentiality in, assessment materials;
- (c) a failure in assessment delivery threatens accurate and consistent differentiation between learners;
- (d) incorrect results or certificates have been issued; or
- (e) an incident of malpractice or maladministration may invalidate an award or affect another awarding organisation.

17.9 PR1.1 An awarding organisation must conduct its activities in a way that is designed to facilitate its adherence to the following principles

- (a) Principle 1 – An awarding organisation must act with honesty and integrity.
- (b) Principle 2 – An awarding organisation must treat Learners fairly by acting and taking decisions with due impartiality and based on appropriate evidence.
- (d) Principle 4 – An awarding organisation must act in a way that maintains and, where possible, promotes public confidence in qualifications.
- (e) Principle 5 – An awarding organisation must act in an open, transparent and co-

operative manner with Ofqual and, as appropriate, with Users of qualifications.

(f) Principle 6 – An awarding organisation must conduct its activities with a proactive approach to compliance with its conditions of recognition.

18. OFQUAL APPRENTICESHIP CONDITIONS

18.1 Condition EPA5 – An end-point assessment organisation must take all reasonable steps to prevent malpractice and maladministration in the delivery of end-point assessments, investigate any suspected incidents promptly, and take corrective and preventive action as necessary.

18.2 Condition EPA6 – An end-point assessment organisation must take all reasonable steps to ensure that any assessment materials, information, or data are kept secure and confidential at all times and are not disclosed to unauthorised persons.

18.3 Condition EPA7 – An end-point assessment organisation must take all reasonable steps to prevent the occurrence of any Adverse Effect in relation to its end-point assessments and, where such an Adverse Effect occurs, take all reasonable steps to mitigate it and correct it.

18.4 Condition EPA8 – An end-point assessment organisation must regularly review and evaluate its systems and procedures to ensure that they remain effective in maintaining the validity, reliability, comparability, and manageability of its end-point assessments, and that any identified weaknesses are addressed promptly.

19. QUALIFICATIONS SCOTLAND ACCREDITATION PRINCIPLES

19.1 Principle 12: The awarding body and its providers must ensure that they have the necessary arrangements and resources required to manage and administer qualification delivery and assessment effectively.

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