MALPRACTISE AND MALADMINISTRATION 2019
Malpractice and Maladministration

It is the responsibility of all stakeholders (the EPAO, employers and ATPs) to be vigilant about any events that may lead to the occurrence of malpractice/maladministration, and to ensure that all those involved in the EPA have arrangements in place for preventing and investigating instances of malpractice and maladministration.

ICA regards all forms of malpractice as serious offences. All stakeholders have a responsibility to be aware of the policy and procedures contained herein, to understand the seriousness of malpractice and to take every reasonable step to ensure that malpractice does not occur.

Malpractice refers to any form of activity involving the apprentice, the employer, the ATP, or someone acting on their behalf, which threatens the integrity of ICA’s assessment of an apprentice or group of apprentices.

Where an employer, ATP or apprentice has concerns about the probity or behaviours of a party involved in the delivery or assessment of an apprenticeship programme, individually or collectively, they must inform ICA in order that appropriate action can be taken.

Examples of malpractice by the employer or ATP include:

- providing inaccurate or deliberately misleading statements during the Gateway process or at any time during the EPA
- assisting apprentices in the production of assessment materials beyond what is permitted by the EPA guidelines
- allowing members of staff to undertake any assessment on behalf of the apprentice or allowing any other form of impersonation
- denying access to premises, records, information, apprentices or staff to any authorised ICA representative
- failing to carry out internal assessment, internal moderation or standardisation in accordance with ICA’s requirements
- intentional withholding from ICA of information critical to maintaining the rigour of quality assurance and standards of EPA
- falsifying an apprentice’s results, assessment evidence or other records or documentation
- making fraudulent claims for certificates.

Examples of malpractice by the apprentice include:

- plagiarism of any nature
- collusion beyond what is permitted by the EPA guidelines relating to collaborative working
- false declaration of authenticity in relation to the contents of portfolios or any other written submissions
- submission of a piece of work purchased or provided by a third party
- copying from another apprentice or allowing their own work to be copied
- impersonation
• offering a bribe or incentive of any kind to an assessor, a member of employer’s/ATP’s staff or anyone else involved in the EPA process
• inappropriate conduct (e.g. disruptive, violent or offensive behaviour) during the EPA
• any attempt to undermine the EPA process.

Maladministration is essentially any activity or practice that results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration (e.g., inappropriate apprentice records).

Examples of maladministration include:

• persistent failure to adhere to ICA apprentice registration and certification procedures, including data sharing and storage
• persistent failure to adhere to the EPA requirements or to schedule activities in enough time to allow ICA to source experts for their role in the EPA
• persistent failure to adhere to, or to circumnavigate, the requirements of ICA’s reasonable adjustments policy (see section 8)
• late apprentice registrations
• unreasonable delays in responding to requests and / or communications from ICA
• failure to maintain appropriate auditable records
• withholding of information, by omission, from us, as required to assure ICA of the ability to perform appropriately
• misuse of the ICA logo and trademarks or misrepresentation of a relationship with ICA
• infringements identified at audit of the EPA delivery.

Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify ICA via one of the following methods:

Phone: 0121 362 7657

Email: epa@int-comp.org

All allegations must include (where possible):

• employer’s and training provider’s name, addresses and contact details
• apprentice’s name (where applicable)
• details (name(s), job role(s)) of any ICA personnel involved in the case
• details of the ICA EPA(s) affected, or nature of the service(s) affected
• nature of the suspected or actual malpractice and associated dates, details and outcome of any initial investigation carried out by the employer or training provider, or anybody else involved in the case, including any mitigating circumstances.

If the employer or training provider has conducted an initial investigation before formally notifying ICA, the employer or training provider should ensure that staff
involved in the initial investigation are competent and have no personal interest in
the outcome of the investigation.

It is important to note that in all instances the employer or training provider must
immediately notify ICA if they suspect that malpractice or maladministration has
occurred because ICA, as the EPAO, has a responsibility for ensuring that all
investigations are carried out rigorously and effectively.