



**The Chartered Institution of
Building Services Engineers**
Registered Charity No. 278104

CIBSE End Point Assessment Malpractice and Maladministration Policy

Purpose

Incidents of malpractice/maladministration can lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations, and may cause reputational damage to the Institution. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible.

This policy and its accompanying processes have been reviewed and amended following an updated guidance note from Ofqual published in November 2021 within section A8 of the General Conditions of Recognition.

While malpractice and maladministration are distinct, they are often on a spectrum and may not be easy to distinguish. There is therefore no need for any complaint or concern to be specifically defined as one or the other. When considering issues, CIBSE and its Panels will look at the evidence and process and the Adverse Effects of any issue raised rather than seeking to define it.

Scope

This policy applies to assessments and report writing and the development, delivery and award of End Point Assessments.

It is the responsibility of all CIBSE staff and assessors involved with End Point Assessment to be vigilant with regard to any events which may lead to malpractice / maladministration occurring, and report where they suspect malpractice / maladministration has, or may, occur so that appropriate action can be taken.

Objectives

- To identify and minimise the risk of malpractice by staff, learners and assessors
- To identify and minimise the risk of maladministration by staff and assessors
- To establish whether or not malpractice or maladministration has occurred
- To respond to any incident promptly and objectively
- To promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it
- To standardise and record any investigation to ensure openness and fairness
- To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) are proven
- To protect the integrity of the Institution and awarding bodies

Minimising risk

In order to do this, the Institution will, in accordance with assessment plans and the Standards:

- Ensure that applications contain all parts of the application completed in full and as indicated on the form
- Qualification documents are uploaded and correct subject to standard authenticity checks
- The application is sponsored with complete employer name and email
- Training Provider name and email is provided
- Confirmation by automated email to the appropriately qualified sponsor to verify candidate readiness for assessment
- As per the assessment plan and Standard, ask learners to present and interview in order to focus on the candidate's own personal grasp of issues and ability to integrate elements of their Knowledge, Skills and Behaviours to solve problems in real time and face-to-face situations
- Ensure assessors check candidate's ID at the point of assessment interview
- Ensure assessors conduct a 360-degree check of camera to ensure the candidate is alone when undertaking virtual interview
- Ensure the handling of individual cases takes account of the needs of the learner, including those arising from protected characteristics and according to CIBSE's [Fair Access Policy](#)

Malpractice

The term 'malpractice' covers any deliberate actions, neglect, default, or other practice associated with the examples below; it may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

Examples of Malpractice by Learners

This list is not exhaustive and other instances of malpractice may be considered by CIBSE at its discretion:

- Plagiarism of any nature
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work
- Fabrication of evidence
- False declaration of authenticity in relation to the contents of a portfolio or coursework
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment

Examples of Malpractice by CIBSE Staff and assessors

This list is not exhaustive and other instances of malpractice may be considered by CIBSE at its discretion:

- Improper assistance to candidates, which can include but is not limited to questioning style, collusion or tampering and breach of confidentiality of assessment materials.
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made
- Failure to keep candidate coursework/portfolios of evidence secure
- Fraudulent claims for certificates

In order to guard against Malpractice, CIBSE will:

- Train all staff and assessors
- Undertake all processes through CRM and other information technology systems and record all interactions
- Keep procedure logs
- Clearly separate its committee and governance structures in order to avoid conflicts of interest and the separation of assessors and moderators.
- Ensure question banks, assessment guidance for assessors and score sheets are robust and regularly reviewed so that KSBs can be tested appropriately during the assessment.
- Moderate its assessments
- Adhere to CIBSE End Point Assessment Appeal, Complaint, Malpractice and Maladministration after-process which formally considers and minutes actions to be taken regarding Adverse Effects, mitigation and reporting.

Maladministration

Maladministration is any persistent non-deliberate activity, neglect, default, or other practice that results in the training provider or learner not complying with the specified requirements for delivery, assessor certification of the qualifications as set out in the relevant codes of practice, where applicable.

Examples of maladministration may include but are not limited to:

- Avoidable delay;
- Mistakes arising from inattention;
- Faulty procedures;
- Failure to follow correct procedures;
- Poor record keeping;
- Inadvertent failure to take action;
- Poor communication; and
- Inadvertently giving misleading or inadequate information.

In order to guard against maladministration, CIBSE will:

- Train all staff
- Undertake all processes through CRM and other information technology systems and record all interactions
- Keep procedure logs
- Undertake an internal audit of the end to end processes led by an External auditor twice a year
- Hold a quarterly meeting of all staff working in End Point Assessment to review processes and identify issues. This meeting will be minuted.
- Review all procedures every two years in line with CIBSE's EPA Assessment Delivery Review Procedure
- Adhere to CIBSE End Point Assessment Appeal, Complaint, Malpractice and Maladministration after-process which formally considers and minutes actions to be taken regarding Adverse Effects, mitigation and reporting.

Investigations

Internal complaints of malpractice and maladministration are initially to be documented by completing the [Maladministration and Malpractice Complaints Form](#).

To investigate, CIBSE's Senior EPA team including the responsible officer meet and follow the Appeals, Complaints, Malpractice & Maladministration Flowchart (on the last page of this policy).

[The Appeals, Complaints, Malpractice & Maladministration After-Process](#) is then followed and minuted.

Potential investigation outcomes

- Learners, candidates, employers, and training providers may raise concerns or suspicions informally. They may also raise them under the Institution's Appeals policy or Complaints policy. The procedures for the Appeals, Complaints and Maladministration/Malpractice Flowchart will be followed regardless. This is in order that all parties feel supported in raising issues promptly.
- In the event of a complaint of maladministration against an assessor, the sanction applied to the assessor could be a recommendation for retraining or in repeated circumstances, to step aside from this position.
- In the event of a complaint of malpractice against an assessor, this could have the potential for a complaint under the Code of Conduct and an investigation by the Professional Conduct Committee (PCC). In the event of a complaint under the Code of Conduct the processes of the PCC will be followed.
- In the event of a Complaint of malpractice of maladministration by CIBSE or a member of its staff member of CIBSE, this could have the potential for action under CIBSE's staff disciplinary policy.
- In the event of a complaint of malpractice against a Learner from staff or CIBSE assessors, this will be considered a 'provisional fail' and will be referred to the Membership and Registration Panel. In the event of the Panel confirming the fail, this will be referred back to the employer for action. Learners have the right of appeal
- Concerns can also be raised under CIBSE's Whistleblowing Policy.