Policy for individuals who wish to report suspected malpractice

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1. Scope of policy

1.1 This policy applies to City & Guilds and ILM. All references to ‘City & Guilds’ include City & Guilds and ILM unless otherwise stated. All references to “we”, “us” or “our” include and ILM.

1.2 This policy sets out the course of action City & Guilds will take in responding to and investigating an allegation of suspected malpractice relating to the assessment of its qualifications at approved City & Guilds’ centres and/or the quality assurance of the assessment process conducted by approved City & Guilds’ centres.

1.3 City & Guilds will not investigate complaints about the quality of teaching or training, or about any aspect of the agreement between a centre and a learner, or between a centre and a member of staff/contractor. Complaints of this nature should be raised with the Head of Centre.

1.4 City & Guilds cannot take action regarding employment disputes. If an individual has a dispute regarding his/her employment position or contract, the matter should be pursued with the individual’s employer or appropriate responsible body.

1.5 If you are a staff member at a City & Guilds centre wishing to report malpractice on behalf of the centre then please reference ‘Managing cases of suspected malpractice in examinations and assessments’ document.

2. Definition

2.1 Malpractice is defined by City & Guilds as an act or an instance of improper practice and includes maladministration. Malpractice is any activity, practice or omission which is either wilfully negligent or deliberately contravenes regulations and requirements and compromises the:
• internal or external assessment process
• integrity of a qualification
• validity of a result or certificate
• reputation and credibility of City & Guilds.

2.2 Maladministration is defined as any activity, practice or omission which results in centre or learner non-compliance with administrative regulations and requirements. For example: persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.
3. Purpose of policy

3.1 The purpose of the policy is to explain the circumstances in which City & Guilds will undertake an investigation and to provide key information to individuals alleging malpractice.

3.2 Those involved in the delivery of City & Guilds’ qualifications should also make reference to the City & Guilds publication *Managing cases of suspected malpractice*.

3.3 Any individual, including centre staff, learner, or members of the public who suspect that malpractice has occurred at an approved City & Guilds centre may contact:
   - City & Guilds at investigationandcompliance@cityandguilds.com for UK centres
   - City & Guilds Branch Office, details can be found on our website [here](#) when the malpractice refers to centres outside the UK
   - If the malpractice relates to an ILM centre, contact should be made through ILMRegulation@i-l-m.com

3.4 Those that suspect malpractice has occurred in relation to a City & Guilds or ILM End-point assessment should refer to our publication *Malpractice in End-point Assessments*.

4. Review of policy

4.1 This policy will be reviewed annually. However, we reserve the right to amend the policy at any time.
5. Making an allegation

5.1 The following paragraphs should be noted in particular by those wishing to disclose information relating to malpractice in the assessment/quality assurance of City & Guilds’ qualifications.

5.2 Individuals who have such information may wish to consider bringing the matter to a senior member of staff within the organisation delivering the qualification(s) under that organisation’s whistleblowing policy. If an individual has raised concerns internally but feels they have not been appropriately addressed, or if an individual feels unable to raise the concerns internally, he/she should make a disclosure to City & Guilds.

5.3 Please note, we cannot tell you whether you are protected as a whistleblower or provide you with any legal advice.

5.4 We have previously referred to informants as whistleblowers. However, for the purpose of any investigation we will refer to any individual that provides information regarding suspected malpractice, as an informant to include centre staff as well as general members of the public.

5.5 We ask that individuals who are in possession of evidence to support their allegations to provide this at the time of making the allegation, or as soon as they are contacted by us. Each disclosure will be considered sensitively and carefully and appropriate action will be taken.

5.6 It should be noted, our ability to substantiate allegations is often dependent on the availability of documentary evidence. Evidence becomes increasingly difficult to produce and authenticate as time elapses. Therefore, we strongly encourage anyone who suspects malpractice to notify us as soon as possible.

5.7 We will endeavour to keep an informant’s identity confidential where asked to do so. However, those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure. Information received in disclosures may be shared with third parties where necessary. Anonymous disclosures will be considered but it may not always be possible to investigate them.

5.8 Individuals who are concerned about being identified should discuss their concerns with the Case Manager at the time of disclosure.
5.9 We cannot disclose to an informant the outcome of an investigation or any action that is taken as a result of an investigation.
6. Investigating an allegation

6.1 City & Guilds use a range of investigation methods and will adopt the most appropriate for the circumstances involved.

6.2 We will investigate allegations from anonymous sources only where there is sufficient information to merit further investigation and/or sufficient detail to identify the qualification(s) which are implicated in the allegation.

6.3 We may stop an investigation at any stage if
- the investigation could prejudice the possibility of future criminal or civil proceedings
- the informant makes any public statements during the investigation that could prejudice the outcome of the investigation or the possibility of future criminal or civil proceedings – this includes the informant discussing the investigation with the centre or learners involved during the investigation process.

6.4 We will not make any public statements during an investigation other than to confirm that an investigation is being conducted.

6.5 If the Case Manager or investigation team need to interview centre staff or learners during an investigation, we will normally ensure that interviews are carried out by two interviewers, with one primarily acting as note-taker. City & Guilds and ILM will ensure that learners under the age of 18 will be accompanied by an appropriate, mutually agreed adult.

6.6 We understand that informants may be personally involved in, or affected by the issue they have brought to our attention. However, informants must accept we require a reasonable time in which to undertake the necessary work to carry out investigation.

6.7 We will not advise an informant about the investigation activities undertaken based on the information provided nor about the outcome of an investigation, unless we are legally obliged to.

6.8 When investigating allegations, we expect individuals involved in an investigation to cooperate and provide evidence and information relating to the allegation when requested.
6.9 We will aim to complete an investigation in a timely manner. An individual or centre’s ability to provide all the information requested as quickly as possible will help to ensure this aim is met.
7. Vexatious correspondence or behaviour

7.1 We will not engage with abusive informants or persistent and repeated contacts from informants as these reduce the time that can be dedicated to carrying out investigations. Where an informant becomes abusive in the manner in which he/she corresponds with City & Guilds or ILM, or persistently and repeatedly contacts City & Guilds or ILM with no new evidence or information to bring to the investigation, we will class such correspondence/behaviour as vexatious.

7.2 The following types of correspondence/behaviour are deemed as vexatious and we will take the action described in italics below.

- Being abusive or threatening either during a telephone conversation, a face to face meeting or in writing.
  *The informant will be referred to a senior manager at City & Guilds (or ILM), who will contact the informant to state that all communication will cease if the informant continues to communicate in such a manner.*

- Repeatedly contacting us either via telephone or email in a given working day without offering new evidence or information.
  *We shall send a letter or email to the informant, together with a copy of this document, explaining that further contact of this nature will not be responded to.*

- Making unreasonable demands on City & Guilds or ILM beyond the remit of the investigation.
  *We shall send a letter or email to the informant reiterating the remit of the investigation.*

- Making accusatory comments about City & Guilds or ILM, the staff managing the case or the investigators.
  *The informant will be referred to a senior manager at City & Guilds (or ILM), who will contact the informant to state that all communication will cease if the informant continues to communicate in such a manner.*
8. Our Investigation Principles

Our Case Managers will uphold the principles outlined below in carrying out investigations.

8.1 Professionalism

Our Case Managers will have a clear brief and understanding of their role and will maintain the highest standards of professionalism with regard to their personal conduct and the investigative activities they undertake. Case Managers will act responsibly and treat those participating in an investigation with respect, engage them in professional dialogue and provide feedback in a constructive way.

8.2 Objectivity

Case Managers will undertake all work with an open mind and, in particular, ensure that any evidence or information obtained is reviewed without preconceptions. Consideration will be given to all interpretations that may be placed on such evidence or information.

8.3 Fairness

Case Managers will act in a courteous, polite and considerate manner, and will conduct all work applying proper standards of fairness and without discrimination. They will maintain a high level of awareness of the context in which centre staff are operating, of their feelings and reactions to the investigation process and of the approach and impact of the investigators themselves. Investigation reports will be fair and based on evidence.

8.4 Expertise

Case Managers will have the experience, knowledge and skills to conduct an investigation. They will maintain their expertise and ensure that it is applied thoroughly and comprehensively in every aspect of their work.

8.5 Integrity

Case Managers will work honestly and accurately and will meet the highest standards of propriety and integrity. They will respect the confidentiality and source of any information handled as part of the investigation.