

Malpractice and Maladministration Policy

CIRO Apprenticeship Assessment Organisation

V1 October 2026

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1. Purpose

This policy explains how the Chartered Institution of Railway Operators Apprenticeship Assessment Organisation (CIRO EPAO) prevents, identifies, reports, investigates and resolves suspected or actual malpractice and maladministration. It is intended to protect learners, the integrity and validity of apprenticeship assessment, the reliability of results and certificates, and confidence in CIRO's assessment services.

CIRO will apply this policy fairly, consistently, proportionately and without avoidable delay. Raising a genuine concern in good faith will not disadvantage the person making the report.

2. Scope and Principles

This policy applies to all CIRO employees, assessors, invigilators, internal and external quality assurers, contractors, consultants, governance members, centres, training providers, employers, apprentices and any person acting for or on behalf of CIRO in connection with apprenticeship assessment.

It applies throughout the assessment lifecycle, including assessment design and development, registration, reasonable adjustments, delivery, invigilation, marking, moderation, quality assurance, results, appeals, certification and record retention.

- **Integrity:** assessment evidence, decisions, results and records must be authentic, accurate and secure.
- **Fairness:** concerns will be considered objectively, with an opportunity for relevant parties to respond.
- **Proportionality:** controls, investigations and sanctions will reflect the nature, scale, intent and impact of the concern.
- **Confidentiality:** information will be shared only where there is a legitimate need to know or a legal or regulatory duty to disclose.
- **Regulatory compliance:** CIRO will take all reasonable steps to prevent and correct adverse effects and will notify relevant bodies where required.

3. Definitions

Maladministration is non-compliance caused by error, carelessness, inexperience, poor practice or a failure of systems or procedures, without deliberate intent to gain an advantage. Repeated or reckless maladministration may amount to malpractice.

Malpractice is any deliberate, reckless, dishonest, biased or otherwise improper act or omission that breaches requirements or compromises, or could compromise, an assessment, its integrity, the validity of a result or certificate, or CIRO's reputation.

Adverse effect means an act, omission, event, incident or circumstance that gives rise to prejudice to learners or to the integrity, validity or public confidence of a qualification or assessment.

Whistleblowing is the protected reporting of suspected wrongdoing by a worker or other person in the public interest. Concerns that meet the relevant criteria will be handled under CIRRO's whistleblowing arrangements as well as this policy.

4. Examples

4.1 Maladministration

- Avoidable delay, missed deadlines or failure to act.
- Inaccurate learner registration, assessment, results or certification records.
- Failure to follow approved assessment, invigilation, quality assurance, security or reasonable-adjustment procedures.
- Poor record keeping, version control, communication or staff training.
- Accidental loss, insecure transmission or unauthorised disclosure of assessment materials or personal data.
- Unintentional use of obsolete assessment materials or incorrect grading criteria.

4.2 Malpractice

- Plagiarism, impersonation, collusion, fabrication, falsification or unauthorised assistance.
- Submitting work, evidence or records that are not authentic, complete or accurate.
- Breaching assessment security, including theft, sale, disclosure, advance access, copying or misuse of confidential materials.
- Deliberately altering marks, assessment decisions, dates, attendance, evidence, results or certificates.
- Undisclosed conflicts of interest, bias, discrimination, coercion, intimidation or improper influence over an assessment decision.
- Providing prohibited coaching or prompting during an assessment or failing to maintain required independence.
- Fraudulent claims for funding, fees, expenses, learner identity or assessment activity.
- Obstructing an investigation, destroying evidence, retaliating against a reporter or knowingly making a malicious allegation.

These lists are illustrative and not exhaustive. A concern may involve both malpractice and maladministration.

5. Responsibilities and Prevention

The Responsible Officer and senior management oversee compliance, significant cases, regulatory notifications and corrective action. **The Head of EPA** ensures that effective operational controls are in place and appoints an investigator with appropriate competence and independence. **The EPA Supervisor** maintains case records, triages reports, monitors actions and identifies trends.

All persons within scope must understand and follow applicable requirements, complete required training, protect assessment materials and data, declare conflicts of interest, maintain accurate records and report concerns promptly. Employers and training providers must cooperate with reasonable information requests and must not investigate or contact affected learners in a way that could compromise evidence unless agreed with CIRO.

Preventive controls include role-based access, secure assessment materials, identity checks, conflict-of-interest declarations, standardisation, moderation, internal quality assurance, sampling, audit, staff competence checks and monitoring of unusual assessment patterns.

6. Reporting Concerns

Any suspected or actual malpractice or maladministration must be reported to CIRO as soon as possible, normally to the Head of EPA or EPA Supervisor or Responsible Officer in their absence. Reports should be made in writing where practicable and should include:

- the reporter's name and contact details, unless anonymity is necessary;
- the apprentice, assessment, standard, employer, provider and personnel involved;
- a clear description of the concern, relevant dates and how it was discovered;
- available evidence and the location of any further records; and
- any immediate risk to learners, assessment security, results or certification.

Where a concern involves the Head of EPA, EPA Supervisor or Responsible Officer, it must be reported to an alternative senior manager or governance representative who is independent of the matter. No person who is the subject of an allegation, a material witness or otherwise conflicted may triage, investigate or decide the case.

Anonymous reports will be considered where sufficient information is provided, although anonymity may limit CIRO's ability to investigate or communicate an outcome. Deliberately false or malicious allegations may themselves be investigated.

CIRO will acknowledge receipt of a report and provide the reporter, where appropriate, with a named point of contact. At the outset, CIRO will communicate the anticipated timescale for the initial assessment and will explain any subsequent delay. Progress updates will be provided at intervals proportionate to the seriousness and complexity of the case.

7. Initial Assessment and Immediate Action

CIRO will acknowledge and log the concern, assess whether it falls within this policy and determine its seriousness, urgency, scope and potential adverse effect. Where appropriate, CIRO may preserve or secure evidence; suspend an assessment, result or certificate; restrict access to systems or materials; reallocate duties; pause further delivery; arrange additional quality assurance; or notify affected parties that a review is under way.

Interim action is precautionary and does not imply that an allegation has been substantiated. CIRO may refer matters to another policy or authority where they concern safeguarding, data protection, fraud, employment, criminal conduct or professional regulation.

8. Investigation Procedure

1. **Appointment and terms of reference:** an impartial investigator will be appointed and the allegations, scope, evidence required and reporting arrangements recorded.
2. **Evidence gathering:** relevant documents, system records, assessment materials and witness accounts will be obtained and retained securely.
3. **Opportunity to respond:** persons or organisations subject to allegations will be informed sufficiently to respond, unless doing so would create a material risk to evidence, learners or another investigation.
4. **Analysis:** evidence will be assessed on the balance of probabilities. Intent, recklessness, repetition, cooperation, scale and actual or potential impact will be considered.
5. **Report and decision:** findings, reasons, adverse effects, required actions and any sanctions will be documented and approved by an authorised decision-maker who has not been materially involved in the matter.

CIRO will aim to complete investigations promptly and will provide proportionate progress updates where a case is complex or dependent on third parties. Relevant parties must cooperate and must not destroy, alter or conceal evidence.

9. Outcomes, Sanctions and Corrective Action

An allegation may be found substantiated, partially substantiated, unsubstantiated or inconclusive. CIRO will communicate the outcome and reasons to those who need to know, subject to confidentiality and data-protection requirements.

Actions may include training, supervision, process correction, enhanced sampling, reassessment, replacement of an assessor or investigator, withdrawal or amendment of results or certificates, suspension or termination of approval or contract, disciplinary action, recovery of costs where contractually permitted, and referral to an employer, training provider, regulator, funding body, professional body, police or other authority.

Where an allegation concerns an apprentice, CIRO will consider the apprentice's individual circumstances, the assessment plan and any relevant reasonable adjustment or safeguarding information. The apprentice will be told the substance of the allegation, given a reasonable opportunity to respond and informed of the outcome. CIRO will distinguish deliberate malpractice from misunderstanding, insufficient instruction or other circumstances that may require support rather than sanction.

Where apprentice malpractice is substantiated, action may include a formal warning, invalidation of affected evidence, reassessment where permitted, withholding or withdrawal of a result or

certificate, disqualification from an assessment attempt, or referral to the employer, training provider, regulator, funding body or other relevant authority. CIRO will apply only those actions permitted by the applicable assessment plan, regulatory requirements and contractual arrangements, and will avoid disadvantaging unaffected apprentices.

Before invalidating evidence, withholding a result or requiring reassessment, CIRO will determine which assessment components are affected and whether unaffected evidence remains valid. Any action will be limited to what is necessary to protect assessment integrity and will not require repetition of unaffected assessment activity unless the applicable assessment plan or regulatory requirements make this necessary.

Where an adverse effect has occurred or may occur, CIRO will identify affected learners and assessments, correct or mitigate the impact where possible, prevent recurrence, and monitor the effectiveness of the action taken. Sanctions will be proportionate and will take account of the evidence, seriousness, intent, previous history, cooperation and impact.

10. Regulatory and Stakeholder Notification

CIRO will notify Ofqual, Skills England, the relevant funding authority or any other competent body where required by law, regulation, recognition conditions, contractual requirements or the seriousness of an adverse effect. Notification will be made without undue delay and updated as material information becomes available.

CIRO will cooperate with external investigations and will coordinate communications to avoid prejudicing evidence or related proceedings. Employers and training providers must inform CIRO promptly of connected investigations or findings that may affect CIRO assessments.

11. Confidentiality, Data Protection and Records

Information will be handled confidentially and in accordance with applicable data-protection law. Confidentiality cannot be guaranteed where disclosure is necessary for a fair investigation, safeguarding, legal advice, regulatory reporting or enforcement.

CIRO will maintain an auditable record of reports, evidence, decisions, communications, sanctions, corrective actions, notifications and reviews. Access will be restricted to authorised persons, and records will be retained and disposed of in line with CIRO's retention schedule and applicable regulatory requirements.

12. Review and Appeal

A person or organisation directly affected by a final decision may request a review in accordance with CIRO's Complaints and Assessment Appeals Policy. A request must identify the decision challenged and the grounds, such as a material procedural irregularity, relevant evidence that could not

reasonably have been provided earlier, or a decision that was unreasonable on the available evidence.

A review will be conducted by a person who was not involved in the original decision and has no conflict of interest. Unless CIRO decides otherwise to protect learners or assessment integrity, a review does not automatically suspend interim controls or corrective action.

13. Monitoring and Policy Review

CIRO will monitor case volumes, themes, timeliness, outcomes, sanctions and corrective actions through its quality and governance arrangements. Lessons learned will inform risk assessment, training, standardisation, assessment design, controls and audit activity.

This policy will be reviewed at least annually and sooner where there is a significant incident or a change in legislation, regulation, guidance, organisational structure or assessment practice.

14. Related Documents

- Complaints and Assessment Appeals Policy
- Conflict of Interest Policy
- Whistleblowing Policy
- Data Protection and Records Retention policies
- Duty of Care, Safeguarding and Prevent Policy
- Assessment, Invigilation and Internal Quality Assurance procedures

Author	S Turner
Version	V1
Policy No	P007
Published Date	08/10/2026
Date of Next Review	08/10/2027
Signature	