

**RECAO**

# Policy Document

# Investigation Policy

## RECAO Investigation Policy

### Regulatory Requirements -General Conditions of Recognition: Condition

#### Purpose

This procedure applies to all RECAO employees, contracted staff and RECAO Centres. This procedure sets the requirements of an investigation.

#### Introduction

This document details procedures for investigating and determining suspected cases of malpractice, maladministration, complaints, incidents and appeals. Regulations requires RECAO to publish procedures to Centres for dealing with investigations on the part of Learners, Centre staff and any others involved in delivery, assessment and the award of qualifications, and to take appropriate action to maintain the integrity of the RECAO qualifications. This document fulfils that requirement.

#### Investigation Procedure

RECAO takes robust steps to prevent any adverse effects in the delivery, assessment and award of RECAO qualifications. Where it is not possible to prevent this, it is important that these cases are dealt with promptly and in line with RECAO procedures.

RECAO procedure for an investigation:-

1. Investigation
2. Report
3. Decision
4. Sanctions and penalties
5. Appeals against decisions
6. Maintaining records

#### Investigation

RECAO may decide to:

- Instruct the Centre to conduct an investigation; or,
- Conduct an investigation itself; or,
- Nominate a third party to carry out the investigation on its behalf.

The fundamental principle of the investigation is that it is conducted in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. In carrying out investigations, RECAO will deal with the Centre Manager. The investigation will usually involve a visit to the centre and the visit can be pre-arranged or unannounced.

- Where RECAO requires the Centre to carry out the investigation RECAO will ensure that the Centre is provided with all relevant guidance and support. The investigation should be carried out by the Centre Manager in a given timeframe, and should be consistent with a fair and thorough investigation

## The essential information you need to work with REC

- Where RECAO decides to carry out the investigation itself this will be carried out by the RECAO Centres Manager
- Where RECAO decides to carry out the investigation itself (in the case of alleged fraud or in a case of serious threat to the integrity of RECAO qualifications) this will be carried out by an appropriate member of staff at RECAO/REC.

### Objectives of investigations

Investigations should aim to:

- Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made, it should not be assumed that any irregularity has actually occurred
- Establish the facts, circumstances, and scale of the allegation.
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take action to minimise the risk to current Learners and requests for certification
- Evaluate any action already taken by the Centre
- Determine whether remedial action is required to reduce the risk to current Learners and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with RECAO Procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made by RECAO and/or the Centre(s)

### During the investigation

During any investigation the following principles should be adhered to:

- Confidentiality – By their very nature investigations usually necessitate access to information that is confidential to a Centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).
- Rights of individuals – Where an individual is suspected they will be:-

1. Informed of the allegation made against them in writing and the evidence that supports the allegation
2. They will be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
3. They will also be informed of what the possible consequences could be if the allegation is proven and of the possibility that other parties may be informed e.g. the regulators, the police, the funding agency and professional bodies
4. The Appeals Process will also be communicated to them
5. During investigations it is probable that individuals will need to be interviewed to gather information on the allegations
6. Where Centre staff members are interviewed during an investigation that is being carried out by the Centre, these interviews should be carried out in line with Centre Policy and Procedures (including

the Centre's Policy for conducting disciplinary enquiries). Centre staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with Centre Policy

7. Where a Learner is to be interviewed and they are a minor or vulnerable adult, they should consider the need to have a parent or guardian or carer present or to have the permission of a parent or guardian or carer prior to the interview taking place

8. Where legal advisors are to be present during interviews, this must be made known to other parties involved to give them the same opportunity to be similarly supported

- Retention and storage of evidence and records – All relevant documents and evidence should be retained in line with the RECAO's Policy and Procedures.
- Decisions and action plans – All conclusions and decisions will be based on evidence. A course of proposed action will be identified, agreed between the Centre and RECAO, implemented and monitored by the RECAO's Centres Manager to the point of completion. The actions will address the improvements that are required to the RECAO's Policies and Procedures as well as any action that is related to staff or other resources.

And/or

- Sanctions – Any sanctions applied to Centres Manager by RECAO will be commensurate with the level of non-compliance identified (and evidenced) during the investigation and will be in line with the RECAO's sanctions policy.

## **Report**

Where the investigation has been carried out by the Centre, the Centre Manager is required to submit a written report to the RECAO. Where the investigation has been carried out by RECAO, the Centre will provide a written report. The report template can be found at the end of this document.

The report should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by the Centre.
- Written statements from the Centre staff and Learners who have been interviewed as part of the investigation.
- Any work of the Learner and Internal Assessment records relevant to the investigation.
- In the case of Learner Malpractice, any remedial action being taken by the Centre to ensure the integrity of certification now and in the future.
- Any mitigating factors that should be considered.

In those cases where RECAO carries out its own investigation, the Centre Manager will be provided with an opportunity to comment on the factual accuracy of the investigation report before it is finalised.

## **The decision**

The investigation report will be submitted to the Head of Products and Services/Responsible Officer for a final decision on the investigation.

The decision stage will aim to:

- Identify the regulatory/Centre approval criteria which it is alleged have been compromised.
- Consider the facts of the case.
- Decide, on the facts, whether malpractice has occurred.
- Establish who is responsible if criteria have been compromised.

## The essential information you need to work with REC

- Determine an appropriate level of remedial action to be applied.

In the event of wrong doing by a Centre, RECAO will consider action to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from doing likewise.
- Ensure there has been no gain from compromising our standards.
- Advise the regulatory authorities of the outcome, where relevant.

In the event of wrong doing by a Learner, the awarding body should consider the remedial action being taken by the Centre, and advise on its appropriateness.

RECAO's decision to take further action following the outcome of the investigation will be based only on the evidence available. The decision will be justifiable, reasonable and consistent.

Communicating the decision

RECAO will inform the RECAO Centre Manager of the decision in writing, stating their reasons. RECAO Centre Manager should then communicate the decision to the individuals concerned.

Sanctions and Penalties

RECAO will impose sanctions and penalties on Centres where the allegations has been proven. These will be in line with RECAO's published Sanctions Policy. These sanctions and penalties will aim to:

- Minimise the risk to the integrity of RECAO qualifications, both now and in the future.
- Ensure that only those Learners who have reached the required standard are awarded the qualification.
- Maintain the confidence of the public in the delivery and awarding of qualifications.
- Deter others from doing likewise.

The sanction to be applied will depend on the nature and scale of the allegation.

### **Appeals against decisions**

Please follow RECAO Appeals Policy and Procedure

### **Maintaining Records of investigations**

In conducting an investigation, Centres are required to retain the following records and documentation in line with Centre and RECAO record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard. Records should include:

- A report containing a statement of the facts, a detailed account of the circumstances of alleged wrong doing, and details of any investigations carried out by the.
- Written statements from the Centre staff and Learners involved.
- Any work of the Learner and internal assessment or verification records relevant to the investigation
- Details of any remedial action taken to ensure the integrity of certification now and in the future.

### **Alerting other awarding bodies**

Regulations require that RECAO notifies other Awarding Bodies of cases that could have an adverse effect and where these cases are likely to impact on the other Awarding Body(s). RECAO must pay due regard to this requirement and notify other Awarding Bodies, as appropriate. This will usually be appropriate where:

- The Centre where the adverse effect has occurred (or is suspected) is also approved with another Awarding Body (for the same or different qualifications) and the (suspected) wrongdoing could potentially impact on the activities undertaken on behalf of that other Awarding Body.
- The Centre where the incident has occurred (or is suspected) is also approved with another Awarding Body for the same qualifications and there is the potential for the Centre to move their operations to the other Awarding Body in an attempt to avoid sanctions and continue sub-standard practices.
- The Centre where the incident has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Body (for the same or different qualifications).

### **Monitoring and Review**

Use of this procedure will be monitored annually to ensure the procedure and its approach remains fit for purpose