

How To Manage an Investigation Process

Contents

Key information	1
What is the investigation process?	2
How to manage an internal investigation	3
How to conclude an internal investigation	4

Last updated: 29 January 2022

Key information

Malpractice/maladministration investigations

RSL is required, as a regulated awarding organisation (AO), to take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of its qualifications. Following identification of an incidence or incidences of malpractice/maladministration, our compliance department will open a formal investigation into the centre, with the aim of improving the systems and processes within the centre. The information in this guide is primarily for centres who have instructed to conduct an internal malpractice investigation. It should be read alongside the [RSL Sanctions Policy](#) and the [RSL VQ Malpractice Policy](#).

Related guides

[How To: Maintain Centre Approval](#)

[How To: Create an Audit Trail](#)

Additional support

Please direct any queries about the investigation process to vocational@rslawards.com

What is the investigation process?

What forms can the investigation take?

RSL will carry out an investigation into any suspected incidences of malpractice. Investigations will include a review of paper-based evidence as well as interviews with those involved. Each investigation is customised to meet the immediate needs of the learners, the centre and RSL, and as such the investigation process can take different forms. We reserve the right to:

- Instruct the centre to conduct an investigation
- Conduct an investigation ourselves or
- Nominate a third party to carry out the investigation on its behalf

What are the common outcomes of an investigation?

If an investigation results in evidence of malpractice, we will need to impose the appropriate sanction and take the necessary steps to ensure that the learners' interests are protected as far as is reasonably possible. Please refer to the [RSL VQ Malpractice Policy](#) for a list of examples of potential centre and/or learner malpractice and the [RSL Sanctions Policy](#) for a full list of formal and non-formal actions that can be taken by RSL. Common outcomes of an investigation are:

1. Investigation closed

An investigation is concluded when:

- No evidence of malpractice or maladministration is found
 - Evidence found is small and can be dealt with effectively by the centres' allocated EQA
 - The centre has had sanctions applied and has achieved all actions set out for it on the action plan
-

2. Low level sanctions applied

The centre is kept under review when:

- Further sampling of internal assessment decisions is being undertaken
 - There remains a risk that the centre has not entirely resolved the issues of malpractice or maladministration
-

3. Medium level sanctions applied

Investigations can remain open when:

- The centre has failed to comply with the actions imposed by RSL
 - The centre has failed to provide adequate sample for external quality assurance or failed to communicate with RSL
 - The centre is in danger of failing due to systemic issues being identified
 - The centre is disadvantaging the learners
-

4. High level sanctions applied

Learner registrations will be ceased, by:

- Withholding certification
- Withdrawing centre approval

How to manage an internal investigation

Overview of the investigation process

As each investigation is customised to meet the immediate needs of the learners, the centre and RSL, an internal investigation can take different forms, but we will ensure that the centre is provided with all relevant guidance and support. The investigation is to be carried out by the quality representative in a given timeframe, and be consistent with a fair and thorough investigation.

General principles of the investigation

During the investigation the following principles should be adhered to:

1. Confidentiality

All materials collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators, or in relation to the General Conditions of Recognition, or the police, where appropriate)

2. Rights of individuals

Where an individual is suspected they must be:

- Informed of the allegation made against them in writing and the evidence that supports the allegation
- Provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
- 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. regulators, police, funding agencies and professional bodies, or other awarding organisations)
- Given an appeals process

Conducting interviews

- Interviews with centre staff 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
- 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
- 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

Maintaining records

Centres are required to retain all records and documentation pertaining to the investigation and interviews that have been conducted, in line with centre and RSL 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 statement of the facts, a detailed account of the circumstances of alleged wrongdoing, and details of the investigations carried out by the centre
- Written statements from the centre staff and learners who have been interviewed as part of the investigation
- Any learner work / assessment paperwork or verification records relevant to the investigation
- Details of any remedial action taken to ensure the integrity of certification now and in the future

How to conclude an internal investigation

When the quality representative has concluded the investigation, they are required to submit a written report to RSL. The report should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances of alleged wrongdoing, 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 learner work / assessment paperwork or verification 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