Adverse Effects Policy

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Policy Owner:	Stephanie Jones
Associated documents:	Malpractice & Maladministration Policy Risk Management Policy
Ofqual General Conditions:	Notification to Ofqual of certain events - B3 - B3.1, B3.2, B3.3
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Agreed by:	Senior Leadership Team
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Summary of changes: Addition of contents page and related Ofqual conditions. No change.	

Contents

Scope

This policy describes the steps taken around the identification, prevention, and mitigation of Adverse Effects.

Identifying risk

Risks that could have a potential Adverse Effect are recorded on Marshall Assessment's (MA's) risk registers, where agreed steps are put into place to prevent incidents from occurring or mitigate the Adverse Effect or potential for an Adverse Effect as far as possible.

Detection and definition of Adverse Effects

Marshall Assessment (MA) has a Risk Management policy, which requires all MA staff to produce a statement of risk should they encounter a potential or actual risk to the business.

Risks will include potential Adverse Effects, which we define as an undesired, potentially damaging effect resulting from breach of policy, data leaks, incorrect assessment decisions, maladministration or malpractice by a MA staff member, academic misconduct by an apprentice or failure of IQA systems. This list is not exhaustive.

The results of these effects could be: disadvantaged apprentices, compromise of business function through loss of confidential and intellectual property and social/ economic further reaching consequences based on assessment and administration errors.

In addition to statements of risk leading to risk register entries through staff observation and reporting, MA closely monitors assessment operations through internal quality assurance checks, a RAG rating system for monitoring assessors led by the Assessment Quality Manager and customer feedback surveys and reviews, led by the nominated Non-Executive Director.

Management of Incidents

Where an incident occurs which could have an Adverse Effect, MA will promptly take all reasonable steps to prevent the Adverse Effect from arising. Where an Adverse Effect occurs, MA will take all steps possible to mitigate the effect as far as possible, correct it where possible, report it and put in place steps, where appropriate and applicable, to ensure the same situation does not arise in the future.

The Adverse Effects Policy is applied when incidents that may have an adverse effect occur and are reported.

Reporting

The Responsible Officer has overall responsibility for reporting any non-compliance that may have had or is likely to have, or has the potential to lead to, an Adverse Effect. The Responsible Officer will report the Adverse Effect through the Ofqual Portal using the Event Notification reporting function.

Following an Event Notification, MA will aim to be provide updates to the regulator weekly if required. This may vary depending on the speed of development in the investigation. Additionally, the regulator may request that information is provided, or an update provided by a certain date,

which will need to be complied with. This should form part of an open communication channel with the regulators throughout the life of an Event Notification

Reports of open Event Notifications will be provided by the Responsible Officer to the Senior Leadership Team (SLT) and, where relevant, to the Board.

Any employee or consultant of MA may also report any potential non-compliance that may result in an Adverse Effect, although in examples of this type, the SLT will undertake further inquiries to gather conclusive evidence that an Adverse Effect has occurred, and the findings will support whether the incident is reportable by the Responsible Officer as an Adverse Effect or whether it falls into another category. In examples where the SLT do not consider that the incident had resulted in an Adverse Effect, but that steps are required to strengthen a process or mitigate a risk, then an entry to the risk register will be made by the SLT and any actions/ mitigations put in place or policy changes needed will be reviewed at the subsequent Board meeting.

Ofqual Notification Guidance: Adverse Effects

Conditions B3.1 and B3.2

Notification where an event could have an Adverse Effect

B3.1 An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.

Specific examples of events which could have an Adverse Effect

B3.2 For the purposes of this condition, such events may include those where:

(a) there is a substantial error in the awarding organisation's assessment materials,

(b) there has been a loss of, or a breach of confidentiality in any assessment materials,

(c) the awarding organisation cannot supply assessment materials for a scheduled assessment date,

(d) there has been a failure in the delivery of an assessment which threatens Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by Learners

(e) the awarding organisation will be unable to meet a published date for the issue of results or the award of a qualification,

(f) the awarding organisation has issued incorrect results or certificates,

(g) the awarding organisation believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation,

(h) the awarding organisation has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees of significantly more than the rate of inflation,

(i) the awarding organisation is named as a party in any criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any professional, regulatory, or government body, or

(j) a Senior Officer of the awarding organisation is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory, or government body.