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PART OF **nocn** GROUP



# Reporting Malpractice and Misconduct

## 1. Scope

1.1 As an End Point Assessor for NOCN there may be times when you are with an apprentice when you have concerns about what is happening in workplace. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to staff, the public, or the environment it can be difficult to know what to do.

1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it is none of your business because it is happening in the apprentice's workplace or that it's only a suspicion.

1.3 You may decide to say something, however, find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

1.4 The Reporting Malpractice and Misconduct Policy is to enable you to raise your concerns about such issues at an early stage and in the right way. We believe that enabling our associates to raise concerns safely is an important part of corporate health and we want to promote this. We would prefer you to raise the matter when it is just a concern rather than wait for proof provided you believe the concern is true and we encourage you to do so through this procedure. Each case will be treated on its own facts.

## 2. Purpose

2.1 The purpose of this document is to:

- a) Outline in which instances an individual should inform NOCN of a concern or suspicion
- b) Outline how an individual can confidentially report suspected malpractice, or misconduct to NOCN
- c) Outline how NOCN will protect the interests and confidentiality of the reporting individual, wherever this is possible
- d) Inform an individual how NOCN will respond to a report of malpractice and misconduct.

2.2 This policy **is not applicable** to individuals who wish to complain about a service provided by NOCN

## 3. Policy

3.1 The reporting malpractice and misconduct policy is for when an individual discloses concerns or information relating to potential malpractice or misconduct. Malpractice or misconduct can be committed by an employer, training provider, apprentice, assessor or another third party.

3.2 If an individual has concerns regarding the practice of an employer or apprentice while conducting end point assessment, they must first assess whether it would be appropriate to first report the concern to the employer. If concerns are raised with the employer please notify the EPA safeguarding team using the form in the link on the NOCN website.

3.3 There are a range of concerns that an individual may wish to be raise under the Reporting Malpractice and Misconduct Policy, including, but not limited to:

- a) An individual suspects that the employer, an employer's staff member or an apprentice has committed, or is complicit with an instance of malpractice.
- b) An individual suspects that an employer, an employer's staff member or an apprentice is involved in fraud or other illegal activity regarding NOCN apprenticeships.
- c) An individual, an apprentice or end point assessor has been asked, or forced, to perform an activity that they believe constitutes as malpractice.

## 4. Allegations which do not count

4.1 It is important to note that personal grievances (for example bullying, harassment and discrimination) or dissatisfaction with the service received by NOCN (such as concerns regarding fees or contractual disputes) are not covered by this policy. If an individual has a concern of this type, they should follow the complaints or grievance procedure.

4.2 Individuals must refrain from making unwarranted allegations to NOCN (i.e. if an individual does not believe their allegation to be true). If an allegation was not confirmed by an NOCN investigation to hold any validity however the individual who has made the allegation had reason to believe it was true no action will be taken against the individual. If, however, allegations are made by an end point assessor, that are deemed malicious or unfounded, NOCN may apply Sanctions against the individual.

## 5. Confidentiality

5.1 NOCN take all reports of malpractice and misconduct seriously and will investigate disclosures in a sensitive and discreet manner. Individuals who make disclosures can have their identity kept confidential upon request. NOCN understands the importance of confidentiality and, where it has been requested, will aim to protect an individual's anonymity, however this cannot be guaranteed.

5.2 It is important to note that NOCN may not be able to investigate a concern as effectively if an allegation is made to NOCN anonymously. NOCN encourages individuals to provide their name and contact details when raising their allegation, as we may need to contact the individual raising the concern for further information, or, to verify details provided throughout an investigation.

5.3 There may be instances where NOCN must reveal an individual's details, such as, if required to do so by law. Once an investigation into the allegations commences, individuals should also consider that they may be identifiable to the Centre due to the nature, or content of, their allegations.

## 6. Procedure

### Identify Malpractice

6.1 In the first instance, where an individual suspects malpractice, they must first report it to the appropriate employer representative, where it is appropriate to do so. Complete a reporting malpractice and misconduct form.

6.2 Once reported to NOCN, investigations into suspected malpractice are overseen and managed by the EPA safeguarding team. The EPA safeguarding team will ensure that any report of suspected malpractice will be investigated thoroughly.

6.3 NOCN understands that it may not always be appropriate for an individual to report a concern directly to an employer. In these cases, individuals should raise their concerns directly with NOCN for our investigation. Examples where this may be applicable include, but may not be limited to:

- a) The individual(s) who handles incidents of malpractice within the company you are conducting end point assessment at is involved, or may be complicit, with the incident.
- b) The individual raising the concern believes that they may be victimised by raising their concerns to a employer or an individual.
- c) The individual raising the concern believes that once the incident has been reported it will not be dealt with correctly and/or may be covered up by the company or the individual involved.

## 7. Making an Allegation to NOCN

7.1 If an individual wishes to raise an allegation of malpractice to NOCN, they must complete the Reporting Malpractice and Misconduct. The form can be found by clicking on the link on the NOCN website below this document. NOCN would encourage an individual to notify NOCN of their concerns as soon as possible, to minimise the loss of information over time and to make it easier for NOCN to investigate the allegation.

7.2 Although end point assessors are not expected to prove an allegation, they will need to demonstrate that there are sufficient grounds for their concerns in order for NOCN to investigate. Therefore, end point assessors should aim to provide as much information as possible regarding their concern. This includes, but is not limited to:

- a) The background and history to the allegation.
- b) Any specific details available including names, dates, times and places.
- c) Details of any evidence which supports the concern.
- d) Full details of the allegations, including the NOCN provision which is involved.
- e) The individual's involvement, response and any personal interest they may have in the matter (if applicable).
- f) How they think that things may be put right, if possible.

7.3 It is important that individuals do not try to investigate the matter themselves. Any attempt to gather evidence by an individual without following NOCN's direction may lead to the outcome of an investigation being adversely affected.

## 8. How NOCN Will Respond

8.1 Once an allegation is made, the EPA safeguarding team will contact the individual who made the allegation within 5 working days to:

- a) Confirm that the allegation has been received
- b) Indicate whether or not NOCN will be investigating the matter or not
- c) Request any further information which is required from the individual regarding the matter.

8.2 Initial enquires will be made to decide whether the allegation requires an investigation, and if so, in what form. If an investigation is required, the End Point Assessment team will conduct this in line with the NOCN Malpractice and Maladministration Policy and Procedure.

8.3 Although NOCN are able to confirm whether an investigation is open or closed to the individual reporting the incident, NOCN are not required to release the outcomes of its investigations to individuals who raise allegations. This includes details regarding any actions NOCN has taken or is planning to take against a Centre.

8.4 In rare instances, NOCN may be required to refer the allegation to external bodies such as the police or public funding bodies.



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