Investigations procedure for UAL Approved Centres

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<td>Managed by</td>
<td>Centre Monitoring &amp; Compliance Manager</td>
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<td>Last review</td>
<td>March 2022</td>
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<td>Next review</td>
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<td>Authorised by</td>
<td>Quality Assurance &amp; Enhancement Steering Group (QAESG)</td>
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1. Why have a procedure?

As an awarding body recognised by the UK qualifications regulators, UAL Awarding Body (we, us, our etc) are required to comply with all Conditions of Recognition to ensure the qualifications we offer and award are fit for purpose, valid, accurate and reliable.

Conditions A6 – Identification and management of risks, A7 – Management of Incidents, and A8 – Malpractice and maladministration¹, require us to manage risks, incidents, and potential cases of wrongdoing. One way we do this is by conducting investigations, with active support from UAL Approved Centres.

Investigating suspected or actual cases of malpractice, maladministration and other potential incidents is vital to prevent or mitigate as far as possible, any Adverse Effect².

UAL Approved Centres should consult this procedure to help inform investigations they undertake relating to all suspected or actual incidents that may include:
- Complaints
- Malpractice and maladministration
- Data breaches
- Whistleblowing

This list is not exhaustive and there may be other instances where an investigation is required.

2. Who is this procedure for?

This investigations procedure is for UAL Approved Centres, and in line with Condition J1.5, any person who undertakes or is involved in any activity undertaken by UAL Awarding Body. It is vital that all individuals involved in the delivery, assessment and quality assurance of UAL Awarding Body qualifications have an awareness and understanding of this procedure.

1) www.gov.uk/guidance/ofqual-handbook/section-a-governance
2) www.gov.uk/guidance/ofqual-handbook/section-j-interpretation-and-definitions
3. Who undertakes investigations?

All UAL Awarding Body investigations will be commissioned by the Head of Quality Assurance and Enhancement (QAE), and undertaken by the UAL Awarding Body QAE Team.

Upon being made aware of a potential incident, we will launch an immediate investigation and will require proactive support from you.

When required by UAL, Approved Centres must also undertake their own investigation. Investigations must be undertaken by someone who has no personal interest in the outcome of an investigation and is free of any other conflict of interest that could cause an Adverse Effect. Please see our Conflicts of Interest Policy for more information.

It is paramount that you notify UAL Awarding Body immediately, as soon as you become aware of any potential incident. You must email quality.awarding@arts.ac.uk with all initial information.

When investigating, UAL Approved Centres must ensure:
- The investigation is carried out by suitably skilled and experienced staff who have no personal involvement in the incident or the outcome of the investigation;
- The investigation is carried out in a thorough, prompt, structured and evidence based manner;
- all staff co-operate and provide timely responses to requests for information;
4. Undertaking an investigation

Beginning the investigation

Establishing a lead investigator and any additional resource required

The first stages of your investigation must include establishing an appropriate individual(s) to conduct the investigation. These individuals must not have any personal interest in the outcome of the investigation, and must be suitably competent to undertake the investigation. A senior staff member, such as one who is responsible for Quality Assurance at the centre, would be appropriate. The lead investigator must have the jurisdiction and support to fully undertake the investigation.

UAL Awarding Body will attribute a unique case number to the incident and share this with you. This unique case number must be quoted in all communications.

Initial scoping

Scoping the investigation must include, but is not limited to, the following considerations:
- Who the concerned parties are that must be kept informed throughout the investigation.
- Who the key individuals or organisations to contact are.
- How and when the incident was first identified and reported.
- Details of the learner(s) impacted.
- Are other cohorts of learners impacted?
- The qualifications and awarding organisations impacted.
- How the potential incident will be categorised? (Malpractice, data breach, etc)
- How will evidence will be collected and securely stored?
- How will confidentiality be maintained?
- How will any interviews be conducted?
- How long will the investigation last?
- How you will structure your report to ensure it is credible, evidence based and concise.

You must make an initial assessment of the seriousness of the issue. As a UAL Approved Centre you must notify UAL Awarding Body as soon as you become aware of the incident.

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Lines of enquiry

Selecting lines of enquiry is an effective way to probe particular areas of interest. When establishing your lines of enquiry, it is worth considering “what do you want to know?” or “what evidence do you need to be able to provide and substantiate?”.

Lines of enquiry will naturally differ depending on the nature, and the severity of the incident, but some initial points to consider to help guide your lines of enquiry are detailed below:

- What is the nature of the incident?
- When did it occur?
- What is the timeline of events?
- What was the cause(s) of the issue?
- Who has been impacted?
- Was there intent or deliberate foul play?
- Are there any trends of concern?
- Does any party involved stand to benefit from the incident if not identified?
- Were agreed processes and procedures followed?
- Is there a risk of learner advantage or disadvantage?
5. Evidence gathering/Data collection

Upon establishing your lines of enquiry, it is then worth considering how best to answer these questions, and what evidence can be gathered to defend an eventual outcome.

Evidence gathering can include requests for information from parties involved, as well as requests for evidence, whether that be learner assessment evidence, internal policies and procedures, internal or external quality assurance documentation, email correspondence or meeting minutes etc.

Evidence can be gathered by being requested in writing, whether in a formal letter or via an email to colleagues, and must detail explicitly the type of evidence that is being requested, as well as the rationale behind requesting the evidence. To support accurate inferences based on evidence received, UAL Awarding Body advises UAL Approved Centres to always first explore obtaining evidence via written means.

Chloe Fennell (John Sturrock) - Origins Creatives 2019 ©
**Interview styles**

Information, such as qualitative data, can also be gathered through undertaking interviews with key individuals linked to the incident. If looking to undertake interviews as part of your investigation, you must consider the individual(s) you will be interviewing and what information you wish to gain, as this will help you decide the most appropriate type of interview to conduct. A series of interview types are detailed below:

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<th>Type of interview</th>
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<td><strong>Structured</strong></td>
<td>A strict form of qualitative interviewing where the interviewer explicitly adheres to a set of questions and any probes for further information that have been previously agreed. This type of approach is best served by having absolute assurance about the relevancy of the questions to your interviewee, and to the situation being discussed, such as an investigation into potential malpractice or maladministration. This approach is beneficial if looking for consistency, particularly if undertaking a series of interviews where the same questions will be asked to various parties. This approach does not allow room for interpretation or ‘spur of the moment’ questions to be added upon eliciting a response that details particular useful information.</td>
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<td><strong>Semi-structured</strong></td>
<td>As the name would suggest, this approach is a more flexible, and potentially more conversational version of the structured qualitative interview technique. Here, you will look to agree a set of questions ahead of the interview, but may note prompts for yourself such as ‘probe as appropriate’ and may look to be responsive and ask additional questions upon hearing particular information. This approach is beneficial if likely to uncover new information that was not previously known, as the interviewer can focus in on that important information, and explore it in more depth with the interviewee. This interview technique is less appropriate if looking to ensure consistency when undertaking a number of interviews relating to the same investigation. However it should also be considered that even if undertaking a number of interviews, you may wish to explore particular areas with individual parties involved, so the flexibility of the semi-structured interview could be the appropriate approach to take.</td>
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<tr>
<td><strong>Unstructured</strong></td>
<td>This interview technique is very conversational in nature, and typically features no previously developed and agreed questions. The interview will be related to the situation being investigated, but will be very conversational and flexible in nature. This type of interview may facilitate a more welcoming environment and encourage the interviewee to feel more at ease, but it must be noted that the drawbacks include having to probably conduct follow up interviews, as well as not being able to ensure any consistency between interviews or be sure that the correct questions were asked.</td>
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Ahead of undertaking any interviews to support an investigation, you must ensure that you have obtained consent from the interviewee for them to be part of an interview and that findings from the interview will be used to inform an investigation. Interviwees must also be aware of their right to withdraw from the interview at any point.

**Ethical guidelines**

While the interview is to support an investigation into a potential incident, and is not being used for research purposes, the following ethical guidelines from both the British Educational Research Association\(^3\), and Government Social Research\(^4\) must be considered and communicated to the interviewee as appropriate:

- Consent (as detailed above)
- Transparency (What the interview is for and how information provided will be used)
- Privacy and data storage (How will personal data be securely stored and what, if any, personal data will need to be detailed in an investigation report and summary)
- Disclosure (should any illegal behaviour come to light during an interview, you as the UAL Approved Centre will have to consider, carefully, disclosing this information to the appropriate authorities). You must also ensure that you handle all personal data in line with the General Data Protection Regulation (2018) and should consult your Local Information Manager with queries you may have.

To ensure clarity and transparency, you may wish to either record interviews for transcription, or have accurate minutes taken. Both of these approaches must be outlined to the interviewee in advance and consent obtained.

Upon deciding how you wish to structure your interview, and having considered relevant ethical guidelines, you are then likely to want to establish a series of questions (if opting for a structured or semi-structured interview technique).

**Investigation questions**

When developing your questions, whether looking to collect evidence via a request in writing or by looking to undertake an interview or series of interviews, you may wish to collaborate with colleagues to agree them, as each investigation is likely to require specific questions to be asked. Before addressing how to structure questions specific to each individual investigation, the following ‘common questions’ are outlined for consideration. They are not exhaustive and may not all be applicable. These questions should support your lines of enquiry and as such, the lines of enquiry can also be used to shape requests for information:

1. What qualifications are impacted? (full regulated titles)
2. How many learners are registered for UAL Awarding Body qualifications at your centre and all delivery sites?
3. Could this incident impact other learners registered on other UAL Awarding Body qualifications?
4. How is the interviewee/person of interest connected to the incident?
5. Is UAL Awarding Body the only awarding body impacted?

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3) [www.bera.ac.uk/publication/ethical-guidelines-for-educational-research-2018-online#transparency](http://www.bera.ac.uk/publication/ethical-guidelines-for-educational-research-2018-online#transparency)

6. Is delivery by your centre staff or subcontracted?

7. When was the incident first identified? By who?

8. How long after the incident occurred did you notify UAL Awarding Body? What was the cause of any delay?

9. What is the apparent cause of the incident at this time?

10. What evidence has already been considered?

11. Who reviewed this evidence?

12. What does that evidence suggest?

13. Who has been made aware?

14. What actions have been put in place to mitigate against future incidents of this nature?

This list is not exhaustive and consideration must be given to the individual circumstances of the incident.

The UAL Approved Centre Agreement requires you to actively support UAL's investigation and to comply with requests for information as per clause 9.2.6. Please refer to your UAL Approved Centre Agreement for your GDPR obligations. UAL Approved Centres will be required to provide copies of relevant UAL Approved Centre policies such as the centre Malpractice and Maladministration policy, Appeals policy and any other associated documentation and evidence to UAL Awarding Body.

In addition to the common questions listed above, you may want to devise a series of ‘incident specific’ questions. These will be tailored to the incident, and also to the person you are in contact with. Some points to consider when devising these questions are listed below:

a. Ensure questions are relevant to the individual. Consider the role of the individual within your centre as there may well be questions that need to be delegated to a colleague or that you perhaps wish to ask another colleague.

b. Questions should be open ended and invite the individual to elaborate on what is already known at the time.

c. Questions must be devised to be free from bias; they must not look to appoint blame, or be phrased in a way that could be inaccessible. They must be free from colloquial language and be clearly articulated.

d. They must look to elicit credible and justifiable evidence. When devising questions, consider the evidence that you would like provided to support a response.
6. Analysing evidence gathered

Once the information and supporting evidence has been received, whether that be in writing, or through a single or series of interviews, you will need to analyse the information and evidence in order to begin to reach conclusions that will either lead to a request for further information, or be used to support eventual recommendations and decisions by UAL Awarding Body.

You must consider the source of the information provided when analysing data collected. If you have requested information from various sources, you need to identify any emerging themes that are consistent across all sources. Similarly, you need to identify any inconsistencies within the information provided.

You will want to verify information provided, to substantiate its accuracy. Obtaining evidence that is credible will support you in verifying information as you begin to piece together the sequence of events and the cause of the incident. The report template that is included in an Annex to this procedure, will help you to detail information and link to supporting evidence.

7. Requesting further information

You may be unable to reach a justifiable conclusion after receiving information, or there may be vital information missing that you need to clarify to make any conclusions credible. Any further request for information could again be made in writing, by speaking to a colleague, or via a request for a follow up interview. Be sure to follow the same outline and consider the same points detailed in section 4 – evidence gathering/data collection.
8. Reaching conclusions and detailing mitigations

The UAL Approved Centre provides their investigation findings to UAL Awarding Body in the form of a report. This report will inform the UAL Awarding Body investigation and subsequent report, and must include supporting evidence as appropriate; and the report be submitted to quality.awarding@arts.ac.uk

Reports must include:
- UAL Approved Centre name, ID, address and;
- Learner ULN(s);
- UAL Approved Centre personnel’s job titles if they are involved in the case;
- Full Title of the UAL Awarding Body qualification(s) affected and their qualification numbers (see Ofqual Register), or nature of the service affected;
- Date(s) suspected incident(s) occurred;
- Full nature of the suspected incident(s);
- Contents and outcome of the investigation carried out by the centre or anybody else involved in the case, including context, any mitigating circumstances and remedial action taken or planned;
- Supporting evidence, such as witness statements;
- A proposed action plan to mitigate against future occurrences; and
- Date of the report and the author’s position and signature.

As a UAL Approved Centre, you are required to produce a report of your investigation and outline what actions you are taking to mitigate against future incidents. UAL Awarding Body reserves the right to stipulate actions and apply our Sanctions Policy if necessary.

The UAL Approved Centre will need to agree to any action plan and accept any additional sanctions put in place. Sanctions may include the following:
- a. Action points set
- b. Escalated to senior management
- c. Development Visit or Advisory Visit (on a full cost recovery basis)
- d. Suspension of learner registration or certification
- e. Withdrawal of centre approval for specific qualifications
- f. Withdrawal of centre approval for all qualifications (termination of centre agreement)

More information can be found by referring to our Sanctions Policy.

Once signed off by appropriate UAL Awarding Body Quality Assurance and Enhancement staff, all sanctions will be issued to the UAL Approved Centre, along with a summary of the findings of the investigation. All sanctions must be agreed in writing by the UAL Approved Centre and all timescales and associated deadlines adhered to.

In line with timescales detailed in UAL Awarding Body’s Malpractice and maladministration policy, UAL Awarding Body will undertake, and aim to complete an investigation within 30 days of acknowledging the incident that has been reported by the UAL Approved Centre. In particularly complex cases, this timeline may need to be extended and this will be suitably communicated. UAL Approved Centres must complete their investigation within a realistic timescale that will be outlined by UAL Awarding Body, to ensure the 30 day timeframe for the overall investigation is maintained.
# UAL Approved Centre Investigation Report

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<th>Insert qualification(s) impacted (full titles and QAN/QiW numbers)</th>
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1. Executive summary and recommendations

This section must detail a summary of the nature of the incident, the risks associated, a summary of the investigation undertaken by you as a UAL Approved Centre. Detail any potential or actual Adverse Effects that were explored as part of the investigation, and whether concerns regarding Adverse Effects were realised. This section must also include mitigations your centre has put in place.

This section must also explicitly detail the full centre name and address, the ULNs of learners involved, the full qualification title(s) impacted with accurate QAN/QiW numbers, and full job titles of UAL Approved Centre staff involved in the investigation.

To be completed at the end of the investigation.

2. Introduction and background context

Use this section to provide background to the incident. What qualifications does your centre offer? What factors are of particular importance to the background of this incident? Did it occur during, or does it concern CAG/TAG awards and any adapted delivery guidance? Provide any useful context that is specific to this incident, including any subcontracting arrangements or particular circumstances at a centre level that are of relevance.

To be completed at the end of the investigation.
3. Scope of investigation

Use this section to provide detail of how you have scoped the investigation. How have you decided who to contact and request evidence from? Provide detail of how you will look to collect evidence and what questions you are looking to answer. Detail how initial information provided led to the categorisation of the incident. Use the ‘Scoping the investigation’ bullet points outlined in section 5 of the investigations procedure to support the completion of this section of the report.

4. Lines of enquiry

Provide detail of your lines of enquiry. What are you looking to understand and identify, and what evidence will be/was sought to support that understanding?
5. How information and evidence was collected

Provide detail of how you collected data, both qualitative and quantitative, and what information and evidence that provided.

Detail any requests for information or evidence, and any agreed questions that were used to request this information, either via a written request or through the form of a single, or series of interviews. How was this information stored and verified?

6. Findings of information and evidence collection and determined cause of incident

How did you review the evidence and what findings emerged as a result of your investigation? How did you identify emerging themes and potential findings? Provide detail and examples (screenshots, quotes, etc) of how the evidence you have identified supports inferences made based on information provided. Here you are beginning to shape conclusions.
7. Key observations from timeline

Extract key information from the timeline of events and link this to evidence provided through your information and evidence gathering activities. Provide rationale how these key points (and supporting evidence) strengthen conclusions that you detail in section 8.

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8. Conclusions

Detail what you have concluded from your investigation. Consider:

- What have you learned?
- What was the cause of the incident? When did it occur? How can this be exemplified and supported?
- What impact has there been?
- What organisations are involved?
- What qualifications are impacted?
- Is this confined to just UAL Awarding Body qualifications?
9. Annex - Timeline of events

Provide, as accurately as possible (using full dates and times), a timeline of events concerning all pivotal points in relation to the incident and investigation. Ensure no personal data is included in this timeline; use job titles only rather than individuals.

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Annex B - Flowchart for UAL Approved Centres undertaking an investigation

(to be completed within a realistic timeframe stipulated by UAL Awarding Body)

1. Notify UAL Awarding Body
2. Scope investigation
3. Establish lines of enquiry
4. Collect information and evidence
5. Analyse information and evidence
6. Request further information/reach conclusions
7. Finalise report and issue to UAL Awarding Body