



ILM Investigations Guidance

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Document Change History

This is a new document which replaces the ILM Investigation Policy.

Scope

ILM is the UK's leading provider of leadership, management and coaching qualifications, and a City & Guilds Group Business. ILM offers a specialist suite of qualifications ranging from Level 2 to Level 7, which are awarded by The City and Guilds of London Institute. ILM also specialises in assessment, learning content, and the accreditation of high quality training in the fields of leadership, management and coaching.

This guidance applies to Centres and Providers and sets out good practice when conducting in-house investigations. Please refer to the Malpractice and Maladministration Policy and the Plagiarism, Collusion and Cheating Policy for further information.

ILM will not investigate complaints about the quality of teaching or training, or about any aspect of the agreement between a centre and a learner, or between a centre and a member of staff/contractor. Complaints of this nature should be raised with the Head of Centre.

ILM cannot take action regarding employment disputes. If an individual has a dispute regarding his/her employment position or contract, the matter should be pursued with the individual's employer or appropriate responsible body.

For the purpose of this document where we refer to Centres this also includes Providers.

Definitions

ILM may ask centres to undertake investigations where irregularities or potential malpractice in examinations or assessment procedures have been reported.

Irregularities or malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates. It may also include failure to conduct a thorough investigation into the irregularities/malpractice when ILM has requested the centre to do so.

Centres are requested to read ILM's policy on Malpractice and Maladministration to obtain full details on what should be investigated.

For specific guidance on plagiarism and cheating please see the published ILM Plagiarism Policy.

Making an allegation

Any member of centre staff, learner or other member of the public who suspects assessment malpractice at an approved ILM centre may contact ILMRegulation@i-l-m.com

The following paragraphs should be noted in particular by those wishing to disclose information relating to malpractice in the assessment/quality assurance of ILM qualifications.

Individuals who have such information may consider bringing the matter to a senior member of staff within the organisation delivering the qualification(s) under that organisation's whistleblowing policy. If an individual has raised concerns internally but feels they have not been appropriately addressed, or if an individual feels unable to raise the concerns internally, he/she should make a disclosure to ILM.

We will normally ask to be provided with as much evidence as possible to support the disclosure. Each disclosure will be considered sensitively and carefully and appropriate action will be taken. It should be noted, however, that our ability to investigate allegations will be dependent on the availability of documentary evidence. This becomes more difficult to produce and authenticate after a considerable amount of time has elapsed. Therefore, we encourage anyone who suspects malpractice to notify us as soon as possible.

We will endeavour to keep a complainant's identity confidential where asked to do so, although this cannot be guaranteed and identity may need to be disclosed to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (in connection with court proceedings)
- Another person to whom ILM is required by law to disclose identity.

Those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure. Information received in disclosures may be shared with third parties where necessary. Individuals who are concerned about being identified should discuss their concerns at the time of disclosure. Anonymous disclosures will be considered but it may not always be possible to investigate them

Guidance for conducting an investigation

The primary principle of investigations is to conduct them in a fair, reasonable and legal manner that ensures all evidence is considered without bias.

When conducting an investigation it is crucial that you establish the facts that relate to an allegation in a systematic way in order to:

- Identify if any irregularities have taken place and by whom
- Establish the cause and scale of the irregularities
- Determine what remedial action is needed to preserve the integrity of an assessment/qualification and reduce the risk to current learners
- Establish how to mitigate against the risk of the same incident occurring in future.

There are a number of steps involved in any investigation and these are to:

Agree the terms of an investigation

These should clearly define exactly what is covered in the scope of the investigation and what falls outside of this and will not be investigated. Where appropriate, ensure that all parties are agreed on this to manage any unrealistic expectations.

Assign a lead investigator and, if necessary, an investigation team

As Head of Centre you will act on behalf of ILM and should personally supervise the investigation. Where it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority within your organisation.

Investigators should be impartial, have no conflict of interest with the person who raised the issue or with the people involved in the allegation and must not have been involved in the same issue at an earlier stage. It is vital that the investigators are able to fulfil all aspects of an investigation.

Draft an investigation plan

An investigation plan will help highlight any problems that need to be addressed and allow you to focus on fundamental issues requiring investigation. It should set out key dates and activities to ensure that you can complete the investigation within the ILM deadline. Key activities may include desk based research, gathering evidence including any necessary meetings to establish facts on or off site, analysis of evidence including written statements, determining recommendations and producing an investigation report.

Conduct a full investigation

The investigation should gather evidence to establish the facts of the case. It must be relevant, accurate and understandable in relation to the key questions of the investigation. All investigators must maintain an auditable record of each action during an investigation to demonstrate that they have acted appropriately.

It may be necessary to authenticate documentary evidence by reference to an author. For example, you may need to ask learners or third parties to confirm handwriting, dates and signatures to support any claim of authenticity.

Any materials associated with the investigation, including any written statements by learners, staff members or other third parties (signed and dated), should be stored securely in the event of a subsequent challenge and to ensure that evidence can be supplied to ILM on request.

When conducting interviews whether face to face or by telephone as part of an investigation, it is advisable to include prepared questions with responses being recorded. Face to face interviews should normally be conducted by two people with one person undertaking the role of interviewer and the other as note-taker.

To ensure that any resulting notes from interviews would bear scrutiny, you may wish to produce a draft transcript of the interview and request that the interviewee check it for factual accuracy and confirm that it is a true reflection of the conversation that took place.

An effective interviewing technique to use is the “PEACE” model:

- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluation

The interviewee should be informed that they may be accompanied by another individual and that they do not have to answer any questions. This is in order to protect the rights of all individuals.

Learners or members of staff accused of malpractice should:

- Be informed (preferably in writing) of the allegation made against them
- Know what evidence there is to support the allegation
- Know the possible consequences should malpractice be proven
- have the opportunity to consider their response to the allegation (if required)
- Have an opportunity to submit a written statement
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- Be informed of the applicable appeals procedure should a decision be made against them

- Be informed that information relating to the malpractice may be shared with other awarding organisations, the regulators and other external agencies, as appropriate.

Analysing evidence

You should be able to identify all points of agreement or where there is consistent evidence. This will enable you to focus on the areas where there is no consistency and identify variances.

You will need to consider how the evidence supports one explanation over another, how credible the evidence is and establish any other corroborating evidence that you can test it against.

Reporting

On conclusion of the investigation a full written report must be submitted to ILM. The purpose of an investigation report is to explain and record the conclusions you have reached and should include a full account of the circumstances of the alleged malpractice and details of the investigation you have carried out.

The report should not contain the names of any whistle-blower or individual that wished to remain anonymous and, as far as possible, not include any information that could potentially reveal their identity.

The report should be submitted to ILM along with any material that is relevant to the investigation which may include dated and signed written statements by learners, centre staff or third parties, internal quality assurance records, assessment records and learner work.

The report will be given due consideration by ILM and a response provided within 15 working days of receipt.

On receipt of ILM's outcome it is the responsibility of the lead investigator pass on to the individuals concerned any warnings or notifications of penalties, and to ensure compliance with any requests made by ILM as a result of a malpractice case.

All forms are located within the Malpractice and Maladministration Policy.

ILM's commitment

We will not make any public statements during an investigation other than to confirm that an investigation is being conducted.

We will not inform a complainant about the outcome of an investigation, unless we are legally obliged to provide this information.

If we or our appointed investigators need to interview centre staff or learners during an investigation, we will normally ensure that interviews are carried out by two interviewers, with one primarily acting as note-taker. ILM will ensure that learners under the age of 18 will be accompanied by an appropriate, mutually agreed adult.

When investigating allegations, we expect individuals involved in an investigation to cooperate and provide evidence and information relating to the allegation when requested. For some investigations, it is important that paper-based evidence is original. If we cannot retain original paper and/or electronic records, the original records will be photocopied and the copy recorded as authentic. We will give receipts for any original documentation provided during an investigation.

ILM staff will not engage with abusive complainants or persistent and repeated contacts from complainants as these reduce the time that can be dedicated to carrying out investigations. Where a complainant becomes abusive in the manner in which he/she corresponds with ILM, or persistently and repeatedly contacts ILM with no new evidence or information to bring to the investigation, we will class such correspondence/behaviour as vexatious. Further information can be found in ILM's Unacceptable Behaviour Policy.

Our investigators will have a clear brief and understanding of their role and will maintain the highest standards of professionalism with regard to their personal conduct and the investigative activities they undertake. Investigators will act responsibly and treat those participating in an investigation with respect, engage them in professional dialogue and provide feedback in a constructive way.

Investigators will undertake all work with an open mind and, in particular, ensure that any evidence or information obtained is reviewed without preconceptions. Consideration will be given to all interpretations that may be placed on such evidence or information.

Investigators will act in a courteous, polite and considerate manner, and will conduct all work applying proper standards of fairness and without discrimination. They will maintain a high level of awareness of the context in which centre staff are operating, of their feelings and reactions to the investigation process and of the approach and impact of the investigators themselves. Investigation reports will be fair and based on evidence.

Investigators will have the experience, knowledge and skills to conduct an investigation. They will maintain their expertise and ensure that it is applied thoroughly and comprehensively in every aspect of their work.

Investigators will work honestly and accurately and will meet the highest standards of propriety and integrity. They will respect the confidentiality and source of any information handled as part of the investigation.

Continuous Improvement

The ILM Quality and Regulatory Group monitor this policy and any associated feedback and ensure that the ILM Standard is maintained to ensure our qualifications and programmes are accessible to all whilst maintaining quality in implementation. This policy shall be the subject of a three year review cycle or as necessary.

Every effort has been made to ensure that the information contained in this publication is true and correct at the time of going to press. However, ILM's products and services are subject to continuous development and improvement and the right is reserved to change products and services from time to time. ILM cannot accept liability for loss or damage arising from the use of information in this publication.

If you have a complaint, or any suggestions for improvement about any of the services that we provide, please email: customer@i-l-m.com

About ILM

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We believe that great leaders can come from anywhere. With the right support, anyone can grow and develop to make a real difference to their team and organisation. Which is why we help individuals from all levels to realise and apply their potential, so that the organisations they work for can reap the benefits.

City and Guilds Group

ILM is a City & Guilds Group Business. Together, we set the standard for professional and technical education and corporate learning and development around the world, helping people and organisations to develop their skills for personal and economic growth.

Useful Contacts

ILM Customer Service

General enquiries

Events enquiries

International enquiries

E: customer@i-l-m.com

Complaints and feedback

Complaints and feedback

E: customer@i-l-m.com

ILM Regulation and Compliance

Reporting malpractice/maladministration

Reporting incidents of plagiarism

Lodging appeals

E: ILMregulation@i-l-m.com

ILM Assessment

Lodging Enquiries

Requests for Special Consideration

Request for Access Arrangements

E: ilmassessmentpolicy@i-l-m.com

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