

Governance

[Return to index](#) [1]

Section A. [Conditions associated with governance](#) [2] ([Condition A1](#)) [3]

The Learning Machine Ltd (TLM)

Aims

- To provide qualifications that encourage up to date learning methods supported by low cost, robust, external quality assurance
- To enable the inclusion of new participants into formal qualifications by reducing administrative overheads for assessors and maximising rewards for learners
- To reduce the cost of accreditation while maintaining standards where ever there is a demand in accordance with associated risk

Governance and administration of regulated functions

1. The current organisational structure is shown below. It involves two main committees, the Governing Body and the Executive. The Governing Body Board is responsible for setting standards, ensuring compliance with the Regulatory Conditions in the context of strategic aims and development of TLM. The Executive is responsible for developing new certificates and qualifications and delivering the products and services of TLM within the constraints of the Regulatory Conditions and the overall direction of the Governing Body. Market research is led by the Principal Moderator (PM), Chief Regulatory Officer (CRO) and Commercial Director (CD) with information from the field. The PM and CRO and other directors of TLM use extensive contacts through the education training and business sectors to ensure that proposals for new qualifications meet the organisational aims and fully meet the regulatory requirements before they are submitted for accreditation. The Governing Body requires all [TLM staff](#) [4], subcontractors and partners to establish a clear distinction between the awarding organisation function and any other functions that they provide.

2. The Governing Body is responsible for the commercial viability of TLM and supporting market research. Both Governing Body and Executive are compact but made up of people with relevant skills, knowledge and education/industry experience to represent the interests of those being certificated and to ensure the management of resources is sound. There is some overlap in membership to aid communications.

3. The business strategy is based on a contemporary "Freemium Model". Instead of conventional advertising new products are publicised through professional and social networks with free resources as an incentive to get to know the products and services. Providing free E-portfolios, evidence management, progress tracking and reporting in the cloud with on-line baseline testing for the new Computing National Curriculum resulted in over 10% of secondary schools in England making accounts on the Markbook Site. This benefits the schools with free resources and a focus for aggregating data so that they can contextualise their own results with a nationally representative sample. It benefits TLM because all of these schools learn to use technology that is also used to support regulated qualifications and it saves marketing and advertising costs. What would have been spent on marketing is providing a free and useful service to schools. This strategy contributes to

```
(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){(i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o),m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m)})(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');
```

([Condition 5.4](#)) [5]. TLM has also been successful in obtaining over 1 million Euros in funding from the Life Long Learning programme for Transfer of Innovation. This has enabled continuation of development of the supporting technology infrastructure at a time of extreme turmoil and uncertainty in the qualifications market. This means that there is considerable capital investment in the technology but without any debt and sufficient cash reserves to service contingencies and cashflow. ([Condition 5.4](#)) [5]

Organisation Chart

Governing Body

John Botten (Chair)

Paul Taylor (Chief Regulatory Officer)

Steve Elwell (Commercial Director)

Rosemary Lynch (Managing Director)

Executive

Paul Taylor (Chief Regulatory Officer)

Rosemary Lynch (Managing Director /Finance Director)

Steven Elwell (Commercial Director)

Joan Knott (Head of Quality Assurance)

Mārīte Vane (Principal Moderator)

Vladimir Todorov (Chief Technology Officer)

Battur Tugserel (Technical Developer)

Purevdavva Battur (Technical Developer)

3. The Governing Body will ensure that there is appropriate expertise in the areas of operation as an

Awarding Organisation (**A 5.2a**), e.g. through involvement in the appointment of senior staff. The Executive will ensure the validity and integrity of the awards and report any issues related to Quality Assurance to the Governing Body and Regulators as required by the conditions for regulation. (**A 5.2c**) The Governing Body will meet physically at least once a year to receive the Chief Assessor's report and consider any proposed changes, actions to ensure compliance with the Regulatory Arrangements, issues arising from quality assurance such as serious complaints about standards and any disciplinary action required by the programme. It will meet at other times as necessary throughout the year. The Responsible Officer will be responsible for converting the decisions made by the Governing Body into action through the Executive and company administration. The Responsible Officer is the main point of accountability for the executive function of the organisation. He is directly accountable to the Governing Body for ensuring that the under-pinning resources are available to sustain qualifications by ensuring that TLM is financially viable. The Governing Body is the legal entity required by UK law to act as a private limited company and as such its function is to ensure sound day to day management and administration and sound fiscal policy as well as ensuring compliance with the Regulatory Conditions.

Ownership

4. The Learning Machine Ltd is a private limited company. Its share holding is as follows. Rosemary Lynch, 54%; Chris Lynch, 5%; Ben Lynch, 5%; John Botten, 15%; Steven Elwell 4%; Colin Lynch, 1.5%; Chris Baldwin, 1.5%; Joan Knott, 2%; Matthew Lawrence 3.5%. 8% is set aside for employee share options.

5. The INGOT community web site often referred to as the Learning Site and its associated resources has the purpose of providing a transparent resource for all that is free and accessible. For example, it provides a free Virtual Learning Platform that is supervised for general community use as well as supporting TLM qualifications. It supports evidence management for coursework, progress tracking and reporting to enable assessment for learning techniques to under-pin any of TLM's qualifications at no additional cost. The long term aim is to develop this as a fully managed community learning resource that is free for use by anyone in the world in the style of Wikipedia. The Certification site is only available to those registered for TLM qualifications and has appropriate security for that function. Where feasible all TLM digital resources are licensed for free use.

6. Mitigation of risk associated with governance

6.1 TLM has a risk-based approach to awarding qualifications. The following policy is designed to reduce risks associated with governance in order to achieve compliance with [Condition A6](#) [6]. Risks are identified, recorded on the risk register on the TLM MIS secure server and prioritised throughout these policies and procedures and are the subject of everyday internal discussions arising from the practical processes involved with awarding qualifications. TLM takes a risk based approach to its entire operations and risk strategies pervade all policies and procedures meeting the needs of [Condition A6](#). [6] The actions are summarised in the [Risk Contingency Plan](#) [7] targeted on the identified [Adverse Effects](#). [8]

6.2 All employees directly associated with management and direction of the company must disclose any criminal offences that they have committed. This will reduce the potential Adverse Effects of dishonesty and conflicts of interests.

6.3 At the time of review of annual review of procedures, all components of [Condition A1.2](#) [9] will be reviewed to check compliance. This will reduce the risk associated with acts or omissions defined in [Condition A1.2](#). [9] TLM adopts the [Ofqual policy](#) [10] /Qualifications Wales for Data Protection.

6.4 All senior officers will be appointed in conjunction with a relevant job description ([Condition A1.3](#)) [11]. They will be suitably qualified and experienced in their specified role and an annual appraisal will monitor the status of suitability in relation to the job specification. At the time of review, as a minimum the items specified in [Condition A1.4](#) [12] will be checked. Any deficiencies will be rectified before submitting the annual assessment report to Ofqual or reported to Ofqual as a deficiency.

6.5 TLM is incorporated in England ([Condition 2.1](#)) [13]. In the case of any change of control of the legal entity TLM Ltd, a condition of that change of control will be an under-taking by the take over party in writing to not generate any [Adverse Effect](#) [8] in line with the definitions provided in the Regulatory Conditions section J. This will include maintenance of third party agreements and support for qualifications for an agreed period to protect learners currently or about to embark on courses leading to existing qualifications. This will ensure compliance with [Condition A3](#). [14]

6.6 The TLM written [conflict of interest](#) [15] ([Subcontracters conflict of interest](#) [16] / [Centre conflict of interest](#) [17] / [Staff conflict of interest](#) [18]) policy addresses [condition A4.7](#) [19]. No member of TLM staff will be solely and directly responsible for making any award. All assessors and moderators will disclose any potential personal interest in the assessment of any candidates that they have a part in certificating. This will ensure compliance with regulatory [conditions A4.5](#) [20] [and A4.6](#) [20]. Direct employees of TLM and third parties acting on behalf of TLM will have their work monitored through random checks and samples such that there are always at least two different individuals involved in the assessment and awarding of certificates. Any complaints about potential or perceived conflicts of interest will be investigated and judged with reference to the details provided in [Conditions A4.1 - A4.3](#) [21].

6.7 Where a conflict of interest has had an [Adverse Effect](#). [8] TLM will take action as described in the [Conflicts of Interest policy](#) [15] and this in turn could lead to action as described by [the sanctions policy](#) [22]. This then satisfies the requirements of [Condition A4.4](#) [23]

6.8 The policies and procedures in relation to conflicts of interest also the conflicts of interest and restrictive practices section of A4.5 and A4.6

6.9 [Condition A5](#) [24], concerns resources and financial risk. Management planning provides a financial contingency and TLM has no borrowing. The hosting of all documentation, awarded certificates and operating infrastructure using free and open source software and free data formats reduces risk of unavailability of client data as well as reducing costs. Basic maintenance of the resources is designed to be low cost and is based on a service model such that demand will pay for supply. Future development depends on growth of the customer base and will not be initiated without specific funds being available to sustain it. This demonstrates a central drive to deliver qualifications as efficiently as possible taking into account the level of risk associated with the qualifications e.g. entry level qualifications are primarily stepping stones to lower barriers to entry to higher level qualifications and have less risk associated with conflict of interest than level 2 qualifications used to provide points in school league tables. Resources and costs associated with these qualifications and their quality assurance should reflect this. [\(Condition A5.1\)](#) [25]

6.10 Specific risks associated with financial viability are as follows. [\(Condition A5.1\)](#) [25]

- a. Changes in government policy e.g. in terms of eligibility for funding qualifications and political statements that strengthen monopoly brands from competing qualifications providers are among the greatest risks and largely beyond our control.
- b. Committing too many resources to development before revenue is generated to pay running costs
- c. Lead in time for new qualifications to establish themselves and start to generate income
- d. Competitors entering the market in such a way that qualifications are dropped or not taken up

The following policies mitigate against these risks

- a. Endeavour to fulfill any conditions imposed by government for qualifications funding in target markets
- b. Develop incrementally and as far as possible use common methods and technologies. Enter into strategic partnerships proving the use of TLM developed technologies and expertise in return for development and assessment services. This reduces up front costs and corresponding cashflow. Income is shared and there is lower commitment from any single source in development. Use EU

grant funding to strengthen and develop supporting resources and to establish new marketing and sales channels that will result in long term income with very little need for central investment.

c. Reduce development costs by using shared units wherever possible. Use established marketing channels for new qualifications and ensure that there is demand. Use partners to spread initial costs.

d. Analyse the supply chain and reduce all possible unnecessary costs to make products as unassailable on price as possible. Add value that is identified by customers and low cost for us to implement but expensive for competitors. eg On-line evidence management using Open Source content management. No license fees, simple programming modifications to existing code without having to write software from scratch. Direct authentication of certificates on-line at no cost to the customer, use of online moderation and investment in achieving assessor consistency.

6.11. The entire human resources strategy and business plan is based on matching the account manager support to the demand from paying Centres and Academies. If the number of Centres/Academies increases so will the income to sustain them, if it decreases, there will be time to reduce staffing accordingly. [C \[26\]ondition \[27\]A5. \[27\]2a \[27\]](#)

6.12. In keeping with [C \[26\]ondition \[27\]A5.2a \[27\]](#), the personnel have all gone through team building management training to determine role preferences. All personnel are trained in the principles of the certification and all company members have a professional background in ICT for business and/or education at graduate level. There is also expertise in the centres with over 600 assessors trained at the time of writing. As things stand there are several people who could take over the role of Chief Assessor should the need arise and appropriate risk analysis has taken place with regard to the loss of key personnel.

6.13. The company has an established staff appraisal system with Rosemary Lynch providing the appraisal of Mārīte Liepiņa-Liepa, Steven Elwell, Paul Taylor. Mārīte Liepiņa-Liepa provides the appraisal of Adeva Hopkins. John Botten (Chairman of the Board) carries out the appraisal of Rosemary Lynch. On a day to day basis, Rosemary Lynch manages financial and administrative issues, Paul Taylor, Mārīte Liepiņa-Liepa, Steven Elwell and Adeva Hopkins manage the contacts with the Centres, providing support and training. This is perfectly manageable at present but given the indicated growth there will be a need to appoint new account managers and these will be provided with training to Assessor Trainer level as well as in the administrative procedures associated with moderation and verification. In the case of partners acting in these roles training is provided and their work is regularly moderated using the on-line technologies developed for this purpose. [C \[26\]ondition \[27\]A5.2a \[27\]](#)

6.14. The technical strategy [C \[26\]ondition \[27\]A5.2a \[27\]](#) is supported by external hosting with 4 daily backups supplemented by in-house back ups. In addition there is code tracking for The INGOTs certification site source code and templates using the Darcs source code manager (<http://darcs.net> [28]). Darcs provides a full code history covering all changes made to the source code. The history record includes:

- The change set (files added or removed, and lines of code changed).
- Time stamp for the change.
- Identity of the programmer who made the change.
- Description of the change.

These technologies directly support [Condition 5.2b \[27\]](#). The technical expertise of the staff and the

ability to deploy low cost generic technologies for cloud based computing support [Condition 5.2c](#). [27] This system allows us to go back in time as needed. If a bug is discovered we can return to a previous version. All technologies are documented to reduce dependency on individuals. TLM is a small organisation and all personnel have management responsibilities appropriate to their skills and education [C \[26\]ondition \[29\]A5.2 \[27\]](#)d the systems for planning and internal control are deliberately simple. The technology enables a few people to manage very large numbers because the control systems are automated to a large extent. [C \[26\]ondition \[30\]A5.2 \[27\]](#)e

6.15. The management of resources is supported by a technical strategy providing a robust method to ensure that all requirements for operating in the RQF are supported for current and future demands within low levels of resource that are therefore sustainable even in the event of a downturn in business. This is in keeping with the risk based strategy supporting compliance with [Conditions 5.1](#). [25]

6.16 In keeping with [Condition 5](#). [25]1, resources are reviewed at every meeting of the Board and the potential for sustainable development within those constraints. TLM or its partners will not embark on the development of new qualifications without first reviewing the capacity to complete the development and gain sufficient income for managing the subsequent awards. [Condition 5](#) [31].[3b](#) [31]

6.17 As part of the risk based strategy for dealing with conditions [A5.1](#). [25] strategic partnerships are used to enable expansion without over-stretching development resources. Partners will share the cost of developing new qualifications and in the process of marketing leaving TLM to focus on common and shared technologies that are designed to be scalable. These include established partnerships with companies with expertise in the prison service, smart manufacture and the construction industry. These alliances are direct consequences of on-going review. Qualification development is prioritised with qualifications beyond current capacity put on hold until the resources to support them are secure. [Condition 5](#) [32].[3](#) [31]a. TLM has no borrowing, a growing customer base and liquid assets that can cover contingencies and cashflow comfortably. [Condition 5](#) [5]. [31]4

6.18 In the case of an incident arising, for whatsoever reason, that could have an Adverse Effect, the following actions will be taken. [\(Condition A7\)](#) [33]

- a) Identify any policy or procedure formally defined to meet the circumstances of the incident and implement
- b) Where the incident lies outside the scope of an existing policy or procedure it will be prioritised on the risk associated with the associated Adverse Effect.
- c) Actions will be evaluated to determine the effectiveness of the actions taken
- d) In cases where an existing policy or procedure was deemed inadequate or non-existent, a new policy and/or procedure will be devised to minimise the risk of reoccurrence and to deal specifically with any reoccurrence

6.19 Malpractice and maladministration are potential risks that The Learning Machine Ltd takes seriously at whatever level they occur. It is the policy of The Learning Machine to prevent malpractice or maladministration from occurring in the first place. This is a straightforward application of the approach to risk.

Accepting Centres

The scrutiny level is associated with the risk presented. Independent private centres that could have a financial interest in running courses for reasons other than simply providing a learning opportunity are the highest risk. These include those that have tier 4 student visas where the incentive to come to the UK has been shown to outweigh any serious commitment to work towards a qualification. In such cases the account manager will clearly spell out the requirements and check that the centre provision is plausible at the outset for the number of students likely to be registered. additional

vigilance will be applied to cross-referencing written coursework with controlled exams to ensure that the coursework is plausibly that of the candidate taking the exam. In some case TLM will require the Centre to undertake trial assessments before being considered as a full centre. Centres are regularly monitored through work-sampling by their Account Manager and through an annual review. The aim is to get all work submitted on-line so that any work can be checked at any time but this will not be possible to mandate until all centres are ready both technologically and pedagogically.

[Centre Flowchart](#) [34]

Assessors

Providing training, open documentation and an open discussion forum so that all candidates and assessors are familiar with the levels of expectations and procedures makes it more likely that Malpractice will come to light and this in turn acts as a deterrent for it to occur in the first place. [\(Condition A8.1\)](#) [35]. Issues of Malpractice are covered in TLM's assessor training and are highlighted at the time Assessors and Principal Assessors agree to comply with TLM's procedures as part of the assessor and centre agreements. Any Assessor or Principal Assessor can ask for further guidance at any time. There is further information on the community learning site and in the qualifications handbooks. [\(Condition A8.5\)](#) [36]. The following policies and procedures are designed to reduce risk.

- Some of the certificate criteria are concerned with issues of malpractice to help develop student understanding. All assessors must sign an agreement to uphold standards before using the technology that records assessments and enables the issue of certificates. It is the responsibility of the Principal Assessor in a Centre or Academy to oversee assessment in their institution and to ensure that any instance of malpractice comes to the Awarding Body's attention. In developing new qualifications existing shared units will be used where ever possible. This will reduce the risk of errors in unit and qualifications design. There are specific procedures provided for this in the [qualifications development section](#) [37].
- Where suspected malpractice comes to the Awarding Organisations's attention, for example, through the complaints procedures or day to day monitoring, it will be investigated to ascertain the facts around the case. The person or persons subject to investigation will be given the opportunity to defend themselves in a fair hearing. The highest priority will be to reducing any Adverse Effects at the earliest opportunity. [\(Condition A8.2\)](#) [38]
- **As soon as there is a judgement that the issue of malpractice is serious, the Board will be informed and if the level of concern is confirmed at Board level the Regulators will be informed.** The responsible officer will carry out an investigation based on verifiable evidence as to the cause of the incident and report this to the Board. If the Responsible Officer is unavailable or implicated in the incident another qualified person will carry out the work directly reporting to the Chairman of the Board. [\(Condition A8.3\)](#) [39]
- In considering each case there will be two guiding principles.
 1. *Has someone been given an award for which they are unable to demonstrate that they meet the criteria?*
 2. *Was an award given negligently with regard to the assessor application of the criteria for assessment?*
- If a certificate has been awarded to someone who can not demonstrate competence against the criteria, the award will be revoked and its record deleted from the database. **The facility to verify the certificate will be suspended during any investigation.** Any paper certificates issued will be declared invalid and made impossible to authenticate against the database. Any that exist should be destroyed.
- Any candidate having a certificate revoked will be provided with the opportunity of reassessment should they feel they are able to meet the criteria. If an assessor has awarded

certificates in good faith but with inappropriate rigour they will be required to undergo a period of training at their own cost until such time as the awarding body is confident of their capability. The assessor trainer who granted assessor rights to the assessor will be investigated and also samples of work from any other assessors given assessor accounts by this assessor trainer. This is to ensure that the assessor trainer and all associated assessors are working satisfactorily to the published standards.

- If after further training an assessor can not demonstrate the capability of assessing accurately to the criteria, s/he will have their assessor's rights revoked. If the assessor trainer of the assessor in question also demonstrates insufficient ability to operate as an assessor trainer s/he will have assessor trainer status revoked and then their operation as an assessor will be considered in the same way. The Awarding Body will make a judgement based on the extent of the malpractice as to whether the Centre or Academy will continue to be registered with the Awarding Body. Any materials compromised by malpractice will be replaced.
- In cases of suspected malpractice the Awarding Organisation (AO) will place a moratorium on the Centre/Academy and its ability to award certificates until such time as the Awarding Organisation is sure that standards are secure. If the Centre/Academy has its registration revoked, it will be unable to register awards and all assessors will have their accounts terminated. Candidates that have certificates linked to these assessors will be transferred to the Chief Assessor's account so that their certificates can be maintained unless there is good evidence that the certificates are invalid.
- There will be no refunds of any money to such Centres or Academies. If in the judgement of the Awarding Organisation a Centre or Academy is a cause for concern it will be placed under more intense scrutiny and a continuation might include mandatory additional training at the Centre/Academy's expense. If an assessor is judged to have taken actions to deliberately make invalid awards, they will be de-registered and ineligible to re-register for a period of at least 5 years. [\(Condition A8.6b\)](#) [40] In serious cases they will be barred for life and the police informed. This would be highly unusual but might be appropriate, for example, where there was evidence of corruption such as the taking of bribes or similar financial reward in return for issuing invalid certificates. In any investigation, TLM will deal directly with the Principal Assessor and/or the Principal of the Centre/Academy. [\(Condition A8.4\)](#) [41]. The Responsible Officer will review procedures on any instance of malpractice and maladministration with the aim of reducing the chances of reoccurrence. [\(Condition A8.6a\)](#) [42]

Student malpractice

- It is the primary responsibility of the assessor to ensure that the candidate meets all the criteria. This means that the assessor should be vigilant in ensuring that any evidence is work originated by the candidate. In many areas the assessment is by direct observation but where candidates have the option to work independently, e.g. in producing a BLOG to support L2 work, the assessors must warn candidates that the work must be their own and that they run the risk of disqualification if this is shown not to be the case. Students must declare that their work is their own and license it for others to use. Where a student submits any work where there is doubt about authenticity, the assessor should require the student to demonstrate capability in line with that of the required work and use this to make a judgement against the criteria. [\(Condition A8.1\)](#) [35]
- Where there is absolute proof of candidates actively cheating, the work should be discounted, the AO Account Manager informed and the student banned from participating in the assessment process for 6 months. Such a candidate should subsequently be monitored closely and should they transgress again, they should be permanently excluded from the certification and their details submitted to TLM. [\(Condition A8.2, A8.6b\)](#) [38].

In the case of malpractice or maladministration by any direct employees of TLM, the normal disciplinary procedures will be invoked. For minor misdemeanors a verbal warning will be deemed

sufficient, more serious or repeated offences a written warning and serious or persistent offending, dismissal. In all cases a fair investigation based on objective verifiable evidence will take place. In the case of a pending dismissal or in cases where continuing in post could have an Adverse Effect, the offender will be suspended or transferred to low risk duties. [\(Condition A8.6b\)](#) [43]

Whistle blowing

TLM's policy on whistle blowing is to conform with the published [government policy](#) [44]. Anyone connected with TLM can contact the CRO at any time for a confidential discussion of any incidents that they believe are contrary to good ethical practice. If they are not satisfied they can contact the Chairman and the Regulators, OFQUAL or Qualifications Wales. TLM will take no action against anyone that points out any instances of malpractice or unethical behaviour. Actions will be confined to eradicating risk of malpractice and unethical behaviour as the focus for any investigation and subsequent action.

7.Examples of Malpractice

7.1 Principal Assessors, Assessor Trainers, Assessors and Candidates

- It is the primary responsibility of the assessor to ensure that the candidate meets all the criteria. This means that the assessor should be vigilant in ensuring that any evidence is work originated by the candidate. In many areas the assessment is by direct observation but where candidates have the option to work independently, e.g. in producing a BLOG to support L2 work, the assessors must warn candidates that the work must be their own and that they run the risk of disqualification if this is shown not to be the case. Students must declare that their work is their own and license it for others to use. Where a student submits any work where there is doubt about authenticity, the assessor should require the student to demonstrate capability in line with that of the required work and use this to make a judgement against the criteria.
- Where there is absolute proof of candidates actively cheating, the work should be discounted, the TLM Account Manager informed and the student banned from participating in the assessment process for 6 months. Such a candidate should subsequently be monitored closely and should they transgress again, they should be permanently excluded from the certification and their details submitted to TLM.
- Giving assessor status to people who can not assess appropriately to the criteria
- Failure to adequately monitor the work of assessors
- Failure to inform the AO about instances of malpractice
- Failure to co-operate with those investigating allegations of malpractice
- Failure to co-operate adequately with QA and moderation procedures
- Failure to adequately ensure that the candidate fully meets the criteria before awarding a certificate
- Failure to attend mandatory training required by the AO
- Failure to keep passwords and account access secure
- Failure to take the candidate's views of the candidate's competence into account
- Failure to notify the AO of significant student malpractice
- Failure to co-operate with internal quality assurance procedures
- Failure to co-operate with the AO quality assurance procedures
- Failure to keep up to date with notices from the AO on the web site
- Failure to keep up to date and extend knowledge in the subject matter at a level appropriate to the certification being carried out.
- Passing off the work of others as if it is their own
- Failure to co-operate appropriately with assessors in quality assurance
- Failure to work co-operatively with peers including giving and receiving help (Note that giving and receiving help is not the same as passing off the work of other as if it is your own. If the process of giving and receiving help enables the candidate to match the criteria self-sufficiently then it is to be encouraged.)
- Any attempts to break into the AO web site or access restricted areas

- Issues of Malpractice are covered in TLM's assessor training and are highlighted at the time Assessors and Principal Assessors agree to comply with TLM's procedures as part of the assessor and centre agreements. Any Assessor or Principal Assessor can ask for further guidance at any time. It is the responsibility of the Principal Assessor to inform their TLM Account Manager of any potential malpractice, and this information will be recorded and the TLM responsible officer informed. TLM's responsible officer will report any concerns to the governing body. The governing body will decide on any actions to take based on evidence and recommendations prepared by the responsible officer. There is further information on the community learning site and in the qualifications handbooks. [\(Condition A8.5\)](#) [36]

Management structures used to control the delivery of relevant regulated functions.

8. The Executive manages TLM's administration serving the day to day executive functions including training Assessors and Assessor Trainers, sampling work for moderation and providing general support for the Academies and Centres. (Academies are assessment centres that have a whole organisation commitment to the Learning Machine Certification Programme). The Executive is responsible for company legal issues such as filing accounts with company's house, paying tax and employment legislation. The key decisions about management are made by the Responsible Officer in consultation with executive members and the Governing Body, particularly the Chairman. There are weekly staff meetings and Board meetings take place as required but at least Annually and in practice much more frequently. The Responsible Officer is in regular contact with the members of the Governing Body so that communication is clear and unambiguous. There are no additional committees or management structures within TLM at this time. Moderation and standards meetings are regular and involve the specific members of staff relevant to the particular tasks, usually the Chief Assessor, Principal Moderator and Operations Director.

Assessment centres

9. Assessment is delegated to trained assessors through a system of centres. (More detail [here](#) [45]). Assessors are assigned to an Account Manager at TLM. Each centre has a Principal Assessor who acts as the single point of accountability for standards in the centre. Principal Assessors are assessor trainers and can train suitably capable colleagues as assessors. The assessment centres are provided with external quality assurance by TLM with TLM subject to independent quality assurance by the regulators. This then provides the overview of the management structures used to control the delivery of the regulated functions of the organisation.

Self-evaluation and continuous improvement

10. TLM operates an annual review to assess its procedures aimed at making improvements based on up to date evidence and to enable it to sign the statement of compliance. Review takes place as an on-going part of a culture which strives to optimise the balance between risk and cost at all parts of the qualifications supply chain.

11. The procedure is to review practice against the Regulatory Arrangements for the Regulated Qualifications Framework and summarise strengths and areas for development. Information is gathered from the minutes of meetings, staff meetings and formal and informal customer feedback. Actions resulting in areas for development are classified as urgent, important or urgent and important. Urgent actions need to be prioritised before important actions, urgent and important is the highest priority.

Lines of responsibility

12. The Chief Regulatory Officer is responsible for reviewing the evidence and presenting it to the

Governing Body in a meeting of the Governing Body that informs the signing of the statement of compliance. The Chief Regulatory Officer is responsible for ensuring actions identified are executed and these will be reported to the Governing and Executive Boards.

Reporting

13. The actions required as a result of evaluation are reported to all organisation members using the management section of the web site. Where an individual is responsible for a particular action, their initials will be against the action point and they will discuss the strategy for achieving improvement with the Chief Executive. Progress against these actions will be reported to the Governing Body through its standard meetings agendas as appropriate. Actions and outcomes will be reported to the regulators on request and/or through the self-evaluation process.

Policy and procedures for risk management Condition A6

14. The over-arching goal is to provide external quality assurance for qualifications at low cost, reducing administrative overhead for assessors and maximising rewards for learners. The key risks have been prioritised as follows.

- Certificate fraud
- Unforeseen changes in the regulatory requirements
- Critical failure in technical systems
- Loss of key personnel
- Errors in assessment instruments
- Malpractice in centres

15. The documentation here referring to risk constitutes the risk register.

16. The overall single point of accountability for risk management is the Chief Regulatory Officer. All employees and assessors are required to refer any unidentified risks to the Chief Regulatory Officer by e-mail in the first instance. As soon as a potential high risk issue is identified the Board will be informed. There is further information about mitigating risk in other parts of this document e.g. the Quality Assurance section, the section about malpractice and procedures for making awards.

17. Users have opportunities to contribute to the review and evaluation procedures through the Executive, e.g. through a permanent on-line questionnaire, through discussion forums on the community web site, at the annual site visit by the Account Manager and through informal contacts with Account Managers during the moderation and verification process. Many improvements that have been made are a direct result of user input, including the provision of an on-line mark book, provision of facilities for language translations on the community web site, optional on-line testing for multiple choice tests, increasing data space for users, improved help and information links on the community web site. We will also poll learners from time to time by e-mail to find out their views.

Condition B6

18. TLM is committed to co-operating with providing information to the regulators as required. Most of this information is readily available to all directly from the community web site.

19. TLM provides full access to its premises for the regulators

[Return to index](#) [1]

Source URL: https://theingots.org/community/ofqual_governance

Links

- [1] https://theingots.org/community/ofqual_policies
- [2] <https://theingots.org/community/OfqualA>
- [3] <https://theingots.org/community/ofqualA#A1>
- [4] <https://theingots.org/community/stafftrain>
- [5] <https://theingots.org/community/ofqualA#A5.4>
- [6] <https://theingots.org/community/ofqualA#A6>
- [7] <https://theingots.org/community/Contingency>
- [8] [https://theingots.org/community/ofqualA#Adverse Effect](https://theingots.org/community/ofqualA#Adverse_Effect)
- [9] <https://theingots.org/community/ofqualA#A1.2>
- [10] https://theingots.org/community/sites/default/files/uploads/common/Handbooks/IT_User/2010-data-protection-policy.pdf
- [11] <https://theingots.org/community/ofqualA#A1.3>
- [12] <https://theingots.org/community/ofqualA#A1.4>
- [13] <https://theingots.org/community/ofqualA#A2.1>
- [14] <https://theingots.org/community/ofqualA#A3>
- [15] <https://theingots.org/community/ofqualCofl>
- [16] <https://theingots.org/community/COI-SUBCONTRACT>
- [17] <https://theingots.org/community/COI-CENTRES>
- [18] <https://theingots.org/community/COI-Staff>
- [19] <https://theingots.org/community/ofqualA#A4.7>
- [20] <https://theingots.org/community/ofqualA#A4.5>
- [21] <https://theingots.org/community/ofqualA#A4.1>
- [22] <https://theingots.org/community/Sanctions2019>
- [23] <https://theingots.org/community/ofqualA#A4.4>
- [24] <https://theingots.org/community/ofqualA#A5>
- [25] <https://theingots.org/community/ofqualA#A5.1>
- [26] <https://theingots.org/community/OfqualA#A5.1>
- [27] <https://theingots.org/community/ofqualA#A5.2>
- [28] <http://darcs.net>
- [29] <https://theingots.org/community/ofqualA#A5.2d>
- [30] <https://theingots.org/community/ofqualA#A5.2e>
- [31] <https://theingots.org/community/ofqualA#A5.3b>
- [32] <https://theingots.org/community/ofqualA#A5.3a>
- [33] <https://theingots.org/community/ofqualA#A7>
- [34] <https://theingots.org/community/node/168867>
- [35] <https://theingots.org/community/ofqualA#A8.1>
- [36] <https://theingots.org/community/ofqualA#A8.5>
- [37] <https://theingots.org/community/ofqualE#E>
- [38] <https://theingots.org/community/ofqualA#A8.2>
- [39] <https://theingots.org/community/OfqualA#A8.3>
- [40] <https://theingots.org/community/ofqualA#A8.6>

- [41] <https://theingots.org/community/ofqualA#A8.4>
- [42] <https://theingots.org/community/ofqualA#A8.6a>
- [43] <https://theingots.org/community/ofqualA#A8.6b>
- [44] <https://www.gov.uk/whistleblowing>
- [45] <http://www.theingots.org/community/node/5488>