ADVERSE EFFECTS POLICY

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THE LEARNING MACHINE

This policy covers potential incidences relating to The Learning Machine's qualifications, third parties and Centres engaged in the development, delivery of qualifications, and assessments that could have an Adverse Effect on Learners. This policy maps to Ofqual general conditions.

OFQUAL GENERAL CONDITIONS

A1.1:   An awarding organisation must not, by means of any act or omission which has or is likely to have an Adverse Effect, render itself unsuitable to continue to be recognised for the award of a relevant qualification.

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

D3.3:   Where an event relating to an awarding organisation (or an event, of which it is or should be aware, relating to any other awarding organisation) has had an Adverse Effect, the awarding organisation must review and revise where necessary its approach to the development, delivery, and award of qualifications to ensure that its approach remains appropriate.

C3.1:   Where an awarding organisation has in place an endorsement process, the awarding organisation must: (a) take all reasonable steps to ensure that the endorsement process does not have an Adverse Effect.

RESPONSIBILITIES

This is policy is for qualifications offered by The Learning Machine. This policy is for Centres and Learners accessing The Learning Machine's qualifications and related services and all those involved with the development, delivery, and quality assurance of The Learning Machine's qualifications. The Learning Machine has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. The Learning Machine has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries about its interpretation.

Everyone involved in the delivery of The Learning Machine's qualifications have the responsibility to take all reasonable steps to ensure they are aware of the contents of this policy and that Centre staff are aware that they have the responsibility to report any situations which could have an Adverse Effect on Learners.

When an Adverse Effect occurs or has potentially occurred, The Learning Machine staff and Centres are required to:

- Notify The Learning Machine Responsible Officer (RO) immediately of any Adverse Effect (real or potential)
- Promote a culture where it is acceptable for staff to report all Adverse Effects (real or potential)
- Investigate all Adverse Effects (real or potential)
- Action is taken and all reasonable steps put in place to prevent reoccurrence of any Adverse Effects (real or potential)
- Lessons are learned and communicated following an Adverse Effect (real or potential)

ADVERSE EFFECTS

An 'Adverse Effect' is defined as: An act, omission, event, incident, or circumstance has an '*adverse effect*' if it gives rise to prejudice to Learners or potential Learners, or adversely effects the development, delivery or award of qualifications which relate to:

- The standards of qualifications or public confidence in qualifications
- The delivery of an assessment which threatens an Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by Learners
- Being able to meet a published date for the issue of results or the award of a qualification
- Issuing incorrect results or certificates
- An incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could adversely affect The Learning Machine
- Increase in costs that result in stopping a Learner completing and obtaining certification
- A criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any regulatory or government body
- A person is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory or government body
- Misleading Learners through statements, advertisements or promotions resulting in Learners being disadvantaged and not achieving a recognised qualification
- Learners made redundant before assessment complete
- Approved Centre ceases trading
- Confidentiality of assessments
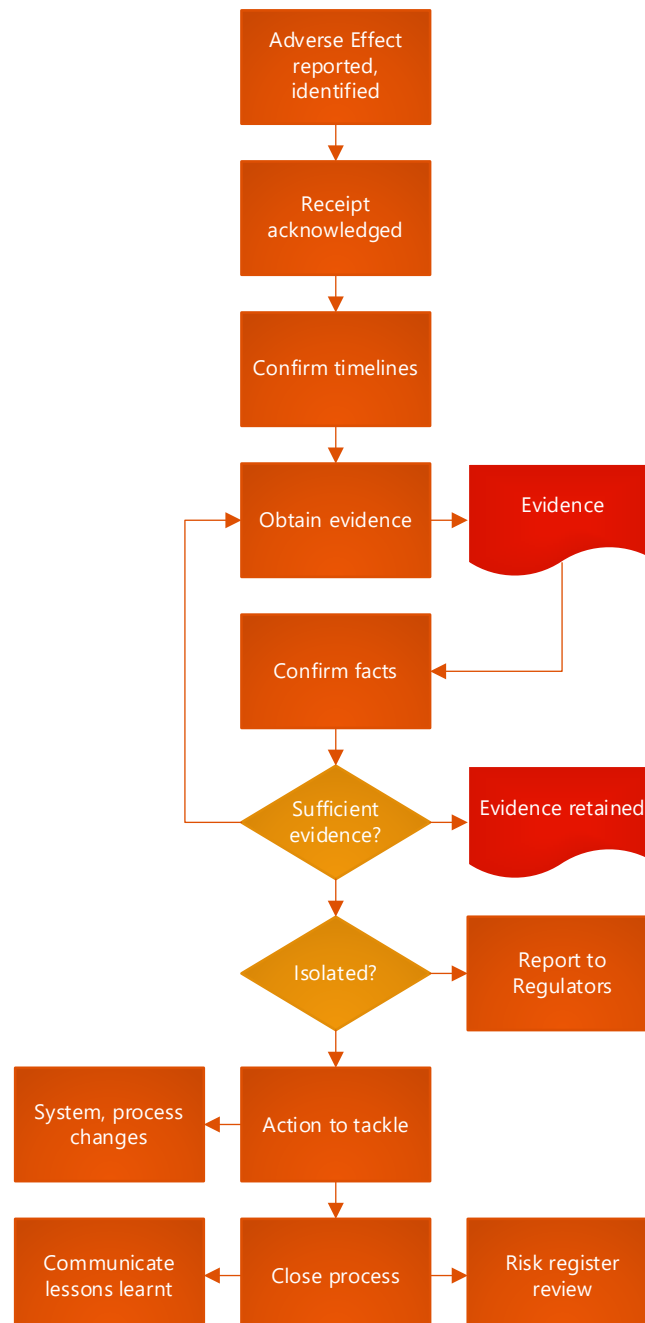
REPORTING AN ADVERSE EFFECT

Centres or Learners must inform The Learning Machine of any adverse effects at the earliest opportunity and include information relating to:

- The nature and cause of the incident
- The number of Learners affected
- The possible or actual impact on Learners
- How the incident came to light
- Whether other Centres/Learners/stakeholders are aware of the incident
- Action plan detailing causes and effects, and to mitigate adverse impact

Where an adverse effect is reported, The Learning Machine will:

- Add details of the issue to The Learning Machine risk register
- Acknowledge receipt of the notification
- Confirm the timelines to any investigation
- Obtain evidence
- Confirm the facts, establish additional factors, circumstances, and scale
- Consider whether sufficient information and assurance that all necessary mitigating actions to protect the interests of Learners have been taken
- Identify whether the incident is an isolated occurrence or has wider implications for other Learners, qualifications, Centres, and awarding bodies
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made
- Ensure confidentiality
- Report to the regulators where appropriate
- Retention and storage of evidence and records

- Consider the scale and the scope and take preventive action to mitigate Adverse Effect
- Make necessary changes to systems and procedure
- Communicate lessons learned
- Keep under review on the risk register

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              │  Adverse Effect │
              │  reported,      │
              │  identified     │
              └─────────────────┘
                       │
              ┌─────────────────┐
              │     Receipt     │
              │  acknowledged   │
              └─────────────────┘
                       │
              ┌─────────────────┐
              │ Confirm timelines│
              └─────────────────┘
                       │
              ┌─────────────────┐       ┌─────────────────┐
         ┌───▶│  Obtain evidence│──────▶│    Evidence     │
         │    └─────────────────┘       └─────────────────┘
         │             │                         │
         │    ┌─────────────────┐                │
         │    │  Confirm facts  │◀───────────────┘
         │    └─────────────────┘
         │             │
         │        ◇─────────◇            ┌─────────────────┐
         └────────│Sufficient│──────────▶│ Evidence retained│
                  │evidence? │           └─────────────────┘
                   ◇────────◇
                       │
                  ◇─────────◇            ┌─────────────────┐
                  │ Isolated?│──────────▶│   Report to     │
                  ◇─────────◇            │   Regulators    │
                       │                 └─────────────────┘
┌─────────────────┐ ┌─────────────────┐
│ System, process │◀│ Action to tackle│
│    changes      │ └─────────────────┘
└─────────────────┘          │
┌─────────────────┐ ┌─────────────────┐ ┌─────────────────┐
│  Communicate    │◀│  Close process  │▶│  Risk register  │
│  lessons learnt │ └─────────────────┘ │     review      │
└─────────────────┘                     └─────────────────┘
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REPORTING TO THE REGULATOR

If appropriate, an Adverse Effect will be reported to the regulators at the earliest opportunity, using the '*notification to regulator*' form as shown below.

TITLE OF NOTIFICATION:			
Raised by:		Date Raised:	
Summary of Adverse effect			
Implications			
Action taken			
Authorised Signature:		Date:	

PROCESS STEP DESCRIPTION	PROCESS	PERSON RESPONSIBILITY	ORGANISATION RESPONSIBILITY
Notification issued to **The Learning Machine**	Process	Centre Manager	**Centre**
		The Learning Machine Staff, Learner, EQA, Assessor, employer	**Other stakeholders**
Investigate issue **Add to risk log**	Process	Responsible Officer, The Learning Machine staff	**The Learning Machine**
Board reviews risk	Decision	Board, Chief Executive Officer - hold responsibility and experience to make decisions and measured risks	
Mitigate risk		Board, Chief Executive Officer - hold responsibility and experience to make decisions and measured risks	
Action		Board, Chief Executive Officer - hold responsibility and experience to make decisions and measured risks	
Report to regulators if required	Process	Responsible Officer, The Learning Machine staff	
Communicate outcome to **Centres or other** **stakeholders**			
Lessons learned			
Keep under review on risk register		Board, Chief Executive Officer - hold responsibility and experience to make decisions and measured risks	
Stop	**End**	**Board, Chief Executive Officer**	**The Learning Machine**