

**1. NISQ and Adverse Effect**

**Introduction:** The purpose of this policy is to inform staff at NISQ how to prevent, handle and report ‘adverse effects’ and to ensure that any adverse effects that do occur are managed and reported in a prompt, appropriate and timely manner to the Chief Compliance Officer, Responsible Officer, Governing Body and CCEA REGULATIONS as required under the general conditions of compliance and that any lessons learned ensures that a similar effect does not happen again.

**a. Reporting adverse effects - minor**

**All NISQ personnel perceiving an event may or has occurred, which would not lead to adverse effect**

• Inform promptly the Chief Compliance Officer, from the Audit, Risk and Compliance Department, who will consider if they believe adverse effect will not take place notify promptly the Responsible officer who will manage the event and inform the NISQ Governing Body.

 • Providing information available at that time,

• Enable prompt remedial action to be taken and prevent recurrence where necessary,

• Provide an opportunity to share learning within NISQ and the NISQ Approved Centres,

• Assist decision-making, planning and future resource allocation,

• Provide information and reassurance the NISQ Governing Body that NISQ is committed to managing risk.

**Moderate to Significant-**

**All NISQ personnel perceiving an event has occurred, which could have an Adverse Effect will:**

• Inform promptly the Chief Compliance Officer, from the Audit, Risk and Compliance Department, who will notify promptly the Responsible officer that he may notify promptly the CCEA REGULATIONS and the NISQ Governing Body. If the responsible officer is not promptly available, the CCO will notify promptly the CCEA REGULATIONS and the Governing Body directly.

 • Providing full information of the event that has occurred,

• Provide full information to enable prompt remedial action to be taken and prevent recurrence where necessary,

• Provide assistance in the review of any risks, processes, guidelines or facilities that need addressing to ensure the event does not occur in the future.

**Significant-**

**b. An act, omission, effect, incident or circumstance has an ‘adverse effect’ if it gives rise to prejudice to NISQ, or the NISQ Approved Centres or adversely effects;**

 • the ability of NISQ or NISQ Approved Centres to undertake the development, Approval, delivery or award of qualifications

• the standards of qualifications which NISQ makes available or proposes to make available, or public confidence in qualifications

 • the delivery of an assessment which threatens the Teachers ability to differentiate accurately and consistently between the levels of attainment demonstrated by the Learners

Adverse Effects

* NISQ being able to meet a published date for the issue of results or the award of a qualification

• NISQ issuing incorrect results or certificates

• NISQ identifying an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available

• Costs, NISQ has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees and therefore stop a learner completing and obtaining certification

• NISQ is named as a party in any criminal or civil proceedings or is subjected to a regulatory investigation or sanction by the CCEA REGULATIONS, regulatory or government body

 • A senior officer of NISQ is 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.

• NISQ misleading Learners through statements, advertisements or promotions resulting in learners being disadvantaged and not achieving a qualification.

* Where there is a significant change in control in relation to the Awarding Organisation – this being defined where;
* A person obtains control of the Awarding Organisation who did not, immediately prior to doing so, have control of it, or
* The Awarding Organisation merges with anyone.
* Corporate Tax shall apply for the purpose of determining whether a person has or had control of the Awarding Organisation. As per the Conditions for Recognition 2017

 **c. Prevention**

As in the case of accidents, there may well have been a near miss that happened sometime in the past which, if analysed, and corrective action taken, may have prevented a later accident or event. Similarly, there may be ‘near misses’ or ‘close calls’ that have happened that, if analysed and corrective action taken, may prevent an adverse effect from taking place. Examples of this may be that a major mistake in an assessment spotted before certification or the loss of assessment materials that were subsequently found before the assessment. In short, the problem happened but it was caught before it could do any damage and have an adverse effect. Not all adverse effects however can be prevented, but through having a culture where people are free to openly discuss ‘near misses’ within NISQ, the NISQ can help to reduce the risk if the ‘near misses’ are recorded, collected and analysed to reduce a reoccurrence. Consequently, we need to catch these near misses and we all have differing roles and responsibilities in averting and dealing with adverse effects. To this end the Chief Compliance Officer will maintain a register of any Adverse or possible adverse effect a Risk Register of near misses etc to ensure that further possible adverse effects can be either removed or mitigate against.

**d. The Chief Compliance Officer**

Has a responsibility to:

• promote a culture where it is acceptable and safe for all staff to report all adverse effects, including near misses and where adverse effects can be openly discussed

• ensure that there is a system in place to communicate ‘lessons learned" throughout NISQ and the NISQ Approved Centres (i.e. briefings and minutes of meetings) – NISQ 41 The Risk Register and Adverse Effect

• ensure that an investigation appropriate to the level of risk has been undertaken

* Notify CCEA Regulations Promptly and as appropriate

• Notify the Governing Body Promptly and as appropriate

**e. All NISQ Staff have a responsibility to:**

• notify the Chief Compliance Officer immediately of any adverse effect which they believe requires notification to the Register, NISQ 41

• promote a culture where it is acceptable and safe for staff to report all adverse effects, including near misses and where adverse effects can be openly discussed,

• take the required action, when requested or required to do so, on all adverse effects referred to them,

* Ensure CCEA Regulations are informed through the Responsible Officer or CCO

• action is taken, and all reasonable steps put in place to prevent reoccurrence of any adverse effect • ensure that lessons are learned and communicated following an adverse effect,

All staff have a duty not to disclose any information regarding effect or investigations to any other person outside NISQ (such as social networking sites). Staff are reminded that inappropriate disclosure of information could lead to disciplinary action.

**f. Procedure for dealing with an Adverse Effect (Risk)**

Any near misses, risk/adverse effects should be reported to the Chief Compliance Officer in the first instance and in the CCO absence to the Director Qualifications Division (Responsible Officer). Details of the adverse effect should be emailed or placed in writing using the guidance below to ensure a complete picture of the risk/adverse effect is identified:

**Flow Diagram for Risk and Adverse Effect**

Risk Assessment made, Action Taken

CCEA informed Promptly– Adverse Effect will or has Occured

Incident Occurs, Staff informed or Staff Becomes Aware

Immediate

Significant

Immediate Action, Review Every 3 Days

Moderate

Urgent Action, Review Every 7 Days

Minor

Timely Action, Reviewed every 14 days

New Incident

Risk and Adverse Effect Considered,

Director Qualifications Division

(Responsible Officer) Informed

Chief Compliance Officer Informed

Incident Plan in Place

Previously Assessed in

NISQ 41

The Risk Register

Timely

Urgent

CCEA informed Promptly – Adverse Effect May Occur

Event no adverse effect

Whistleblower

Complaint Made

What – what happened? • the qualifications, subjects, assessments, certificates affected

• the nature and cause of the incident (lost assessments/evidence, IT systems/software failure, lack of or errors in resources)

• how the incident came to light

Who – who is involved?

• number of learners and/or staff affected

• whether students and other stakeholders are aware of the incident • the possible or actual impact on students

When – when did it happen? • Dates/times • When may the effects be felt?

Where – where did it happen? • location(s) including NISQ and the NISQ Approved Centre premises

Why – why did it happen?

• actions already taken or planned by NISQ to identify causes and effects and to mitigate adverse impact. It will also be useful to state the likelihood and impact of the adverse effect identifying whether the effect is minor or could significantly impact NISQ, NISQ Approved Centre, Learners or third parties

**The following risk rating structure provides some guidance**

* **1 Minor - could cause some embarrassment to NISQ if information came to light. Must not result in non-compliance.**
* **2 Moderate - the risk has already been identified and actions put in place however there has been one event which may lead to Adverse Effect**
* **CCEA Regulations Informed Promptly**
* **3 Significant - may impact a number of NISQ Approved Centres, Learners and/or third parties and has the potential for reputational damage, regulatory non-compliance, loss in Public Confidence, event will or has caused Adverse Effect**
* **CCEA Regulations Informed Promptly**

**g. Carrying Out Investigations**

in conjunction with the investigation, the Chief Compliance Officer will organise for an investigation team or panel consisting of the Chief Compliance Officer, a member of the Governing Body and at least two members from the Challenge, Review and Advisory Committee, be put in place to establish and report on the facts of any adverse effect that has been reported of a significant nature. If the adverse effect involves suspected malpractice, then the investigation will be conducted in line with the Malpractice Policy.

 The aim of this will be to:

• Confirm the facts, establish additional factors, circumstances and scale

• Confirm or identify the cause

• Obtain evidence

• Identify any patterns or trends

• Identify any changes to policy or procedure that need to be made by the Centre

* Place the findings in the Risk Register NISQ 41

There are certain principles that will be observed for conducting investigations:

• Confidentiality

• Rights of individuals to be accompanied

• Retention and storage of evidence and records as per the Data Protection Legislation as per the ICO

• Following an adverse effect, the results of the lessons learnt will be disseminated to all staff and if required to the NISQ Approved Centres

* CCEA Regulations to be informed of progress and outcomes

**h. Notification by NISQ**

There are some adverse effects that need to be reported promptly to the regulatory authorities, CCEA REGULATIONS which include: -,

If NISQ has cause to believe that it is, or likely to be, subject to:

• a material change in its governance structure or legal status

• a change of control

• a merger between it and another body, or

• any insolvency or bankruptcy proceedings

In addition, NISQ must promptly notify the CCEA REGULATIONS if it proposes to make available to a Learner another NISQ Approved Centre which in order to complete the delivery of the Regulated Qualification they have registered for (Learner transfer). CCEA REGULATIONS must also be notified of any effects that have occurred outside of the UK which could have an adverse effect, for example, where the same or a similar qualification is taken in the UK or where the effects could damage public confidence in either NISQ or CCEA REGULATIONS.

Prompt Notifications is required to CCEA REGULATIONS – for **Certain Events**

NISQ will promptly notify CCEA REGULATIONS Regulation when it has cause to believe an event has occurred or likely to occur that could have an Adverse Effect – Specific Examples being;

* Substantial error in Assessment Materials,
* Loss, theft or breach of confidentiality in any assessment materials,
* NISQ cannot supply assessment material as per their scheduled assessment dates,
* Failure in Delivery of an Assessment – Threatens Assessors ability or differentiate accurately and consistently between levels of attainments demonstrated by Learners,
* NISQ unable to meet a published date for issues of Results or Award of a Qualification,
* NISQ issues incorrect results or Certificates,
* NISQ believes an Incident of Malpractice or Maladministration, could invalidate the award of a qualification or could affect another AO,
* NISQ (inside or outside its control) has incurred an increase in costs, which means an increase in Fees of significant more than Rate of inflation,
* NISQ named as party in Criminal or Civil proceedings, subject to a regulatory investigation or sanction by professional, regulatory or government body, or
* Senior Officer NISQ - named as party in Criminal or Civil proceedings, subject to a regulatory investigation or sanction by professional, regulatory or government body, or

**i. Deciding on Notification**

Each incident should be considered by the Chief Compliance Officer on a case by case basis using the following general principles:

• The scale of the effect

 • The impact of the effect (how serious has the impact been?)

• Has the effect occurred in NISQ as opposed to it being at risk of occurring or from misleading information?

• Social Networking (the potential for the incident to gather momentum via social networking)

• Where there is doubt about whether to notify CCEA REGULATIONS in relation to a specific incident the decision should be to err on the side of caution and notify the CCEA REGULATIONS

**j. Timings of Notifications NISQ – CCEA REGULATIONS**

If Adverse effect is to be notified to the CCEA REGULATIONS, it must be done **promptly**. When NISQ notifies CCEA REGULATIONS of an Adverse effect, or as soon as possible afterward, NISQ will also inform on the steps that it has taken or intends to take to prevent the event having an adverse effect or to correct or mitigate that adverse effect if it occurs. NISQ will not delay in making a notification to CCEA REGULATIONS information that it has at the time and provide further information once it becomes available.

Information to include when reporting an incident of adverse effect – The Chief Compliance Officer or the Director Qualifications Division (Responsible Officer) will;

* Telephone CCEA REGULATIONS and,
* follow up with a written summary of the event,

Where possible, initial notification of Adverse Effect to CCEA REGULATIONS will include:

• the NISQ Approved Centres, qualifications, subjects, units, assessments affected

• the number of learners affected

• the nature and cause of the incident

• the possible or actual impact on the Approved Centres or Learners

• how the incident came to light

• whether other stakeholders are aware of the incident

• action plan detailing already taken or planned actions by NISQ to identify causes and effects, and to mitigate adverse impact.

**k. The Chief Compliance Officer, the Investigation and Adverse Effect**

**Act, Omission, Incident or Circumstances that has or may Adversely Affect the AO.**

The Chief Compliance Officer is responsible for maintaining a risk register, this should include any risk that has or may cause an adverse effect on NISQ operating as an Awarding Organisation. The Chief Compliance Officer carries outs both dynamic and researched risk assessing. These should also include any risk that has occurred to other Awarding Organisations, in order that the adverse effect may be removed or mitigated against.

Adverse Effect must be dealt with swiftly, professionally and positively, reducing any further adverse effect on both NISQ and any proposed or registered learner. In order to deal with these adverse effects, the Chief Compliance Officer will select a panel to adjudicate and deliberate on any action that requires to be taken. This will include the Chief Compliance Officer, one Governor and at least two members from the Challenge, Review and Advisory Committee. Should a conflict of interest exist with one or more of the panel members these members will be replaced by other Governors or CRAC members as appropriate, completing the Conflict of Interest Register as required.

**Examples of Possible Adverse Effects - Mitigation**

* Lack of NISQ Staff - either due to sickness or demand being placed on NISQ, replacements and or new recruits that fulfil the criteria set by NISQ, GSQgroup has in place a list of suitably qualified persons to mitigate these Adverse Effects
* Qualification Quality – the NISQ Regulated Qualifications have been developed over a period of Four years, through extensive research and the coming together of specialist minds, this is maintained through the relationship between NISQ and the Specialists, Academics and the security industry.
* Loss of Public Confidence – it is intended by and through NISQ Regulated Qualifications that confidence in Specialist/Security Regulated Qualifications will grow, mitigating all possible scenarios that could affect this confidence would be impossible, however key mitigating tools are, Suitable Senior Officers in NISQ/NISQ Approved Centre Staff need to meet strict criteria on experience and academic teaching quality. The mapping of National Occupational Standards and relevant Legislation, Law and International law across and into the Regulated Qualifications/teaching and Practice. A robust and fair assessment process, an effective appeals system and transparent marking.
* Inappropriate Systems for IT – NISQ has taken advice from IT specialists for their choice in systems that handle the data concentration, flow and security deemed necessary by an Awarding Organisation and the ICO recommendations and legislation

**Risk Register for Adverse Effect - extract**

NISQ 41

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Risk Statement** | **Description** | **Likelihood,** | **Impact,**  | **Rating,****Minor, Moderate,****Significant,** | **Mitigation Strategy** |
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|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Has Occurred | No adverse Effect | Adverse Effect has occurred | Adverse Effect has occurred |
| **Likelihood** | Will Occur | No adverse Effect | Adverse Effect will occur | Adverse Effect has occurred |
|  | May Occur |  No adverse Effect | Adverse effect may occur | Adverse Effect will occur |
|  NISQ Governing Body | Immediate Action and Review every Three Days | Minor(no escalation, no adverse effect) | ModerateCCEA RegulationsNotified Promptly(may escalate) | SignificantCCEA RegulationsNotified Promptly(will escalate) |
| Director Qualifications Division | Urgent Action and Review everySeven Days | **Adverse Effect Impact** |
| CCO | Timely Action and Review every 14 days | **NISQ** **Risk and Adverse Effect Matrix** |
| Extract from NISQ 41 |  |
| Reviewed By | Minor  | Moderate | Significant |
| Chief Compliance Officer | Reviewed By | Reviewed by | Reviewed by |
| Director Qualification Division | Reviewed by | Reviewed by | Reviewed by |
| CCEA REGULATIONS |  | **Promptly notified**  | **Promptly notified**  |
| Governing Body | Informed | Reviewed by | Reviewed by |

l. Extract from NISQ D14 Disruption to Examinations and Assessments

12. Summary of Responsibilities in the event of Disruption of Examinations or Assessment

|  |  |  |
| --- | --- | --- |
| NISQ, NISQ Director Qualification Division are Responsible for | Joint Responsible to the Learner | NISQ Approved Centre, Qualification Coordinator |
|  | Plan Approved by NISQ | Preparing plans for any disruption to Assessments or exams as part of their general emergency planning. Ensuring |
| Ensuring centres receive examination materials for scheduled examinations and assessment material, Director Qualifications Division  | Full Regulated Qualification Content, NISQ Learner Continuous Assessment Portfolio, written examinations | Preparing the Learner for Assessment and Examinations, for the Learner evidence,  |
|  | Supplying a NISQ Invigilator, and Centre Assessor  | Ensuring examinations and assessments are taken under the conditions prescribed by NISQ, NISQ Invigilator. |
|  |  | Ensuring, where relevant, that assessment materials and Learners Evidence work are stored under secure conditions.  |
|  | Chief Compliance Officer Informed without delay | Deciding whether we can open for examinations and assessments as scheduled and informing NISQ if we are unable to open.  |
| Advising NISQ Approved Centres on possible alternative examination or assessment arrangements and declining / approving proposals for alternative examination or assessment arrangements.  | Chief Compliance Officer Informed without delay | Exploring the opportunities for alternative arrangements if we cannot open for assessment or examinations and agreeing such arrangements with NISQ. |
| Evaluating and declining / approving requests for special consideration or Reasonable Adjustment | NISQ Approval Panel Meets, to deliberate over the Special Consideration and reasonable Adjustment | NISQ Approved Centre -Judging whether Learners meet the requirements for special consideration as a result of any disruption and or Reasonable Adjustment- dependent on the circumstances and submitting these requests to the NISQ |
| Marking, moderating and grading Learners through the Finalised Marking System | NISQ receives the Examinations as they take place from the NISQ Invigilator and the Full NISQ Learner Continuous Assessment Portfolio for Final Marking - Grade | Preparing and ensure the completion of the NISQ Continuous Assessment Portfolio, Qualification Coordinator, Internal Moderator, Assessors and Teachers |
| Issuing results to centres on scheduled dates.  |  | The distribution of examination results to Learners.  |

**NISQ 41 The Risk Register and Adverse Effect**

**NISQ D14 Disruption to Examinations and Assessment**

**NISQ D5 Malpractice and Maladministration Policy**

**NISQ D9 Conflicts of Interest**