

# MALPRACTICE AND MALADMINISTRATION POLICY

## INTRODUCTION

This policy is aimed at all learners, registered on any approved qualification or units within or outside the UK and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

The policy sets out the steps that our academies, sub-contractors, learners and/or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration. This policy sets out all the steps staff will follow when reviewing each case.

## ACADEMY RESPONSIBILITY

It is important that staff involved in the management, assessment and quality assurance of our qualifications, including all learners, are fully aware of the contents of this policy and that our academies and Sub-contractors have arrangements in place to prevent and investigate instances of malpractice and maladministration.

If you wish to receive guidance/advice from us on how to prevent, investigate, and deal with malpractice and maladministration then please contact your line manager and we will happily provide you with advice and/or guidance.

Each academies and Sub-Contractors compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed periodically through our ongoing monitoring arrangements.

## REVIEW ARRANGEMENTS

The policy is reviewed annually as part of our annual self-evaluation. The policy will be updated in line with information/guidance received from Ofqual and external agencies.

## DEFINITION OF MALPRACTICE

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment processes.
- the integrity of a regulated qualification.
- the validity of a result or certificate.
- the reputation and credibility of one of our academies
- the qualification or the wider qualifications community.

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.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

## DEFINITION OF MALADMINISTRATION

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within one of our academies/Sub-Contractors.

## **EXAMPLES OF MALADMINISTRATION**

The categories listed below are examples of centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- persistent failure to adhere to our learner registration and certification procedures.
- persistent failure to adhere to our academy recognition and/or qualification requirements and/or associated actions assigned to the academy.
- unreasonable delays in responding to requests from line manager or senior management team.
- inaccurate claim for results and/or certificates.
- failure to maintain appropriate auditable records (for audit by ESFA)
- withholding of information, by deliberate act or omission, from us which is required to assure us of the academies ability to deliver qualifications appropriately.
- misuse of our logo and trademarks or misrepresentation of a centre's relationship with ABMA and/or its recognition and approval status with ABMA,
- failure to adhere to, or to circumnavigate, the requirements of the ABMA Education Reasonable Adjustments and Special Considerations Policy.
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## **EXAMPLES OF MALPRACTICE**

The categories listed below are examples of academy and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- denial of access to premises, records, information, learners and staff to any authorised senior manager or IV/EQA.
- failure to carry out internal assessments, marking or internal verification in accordance with academy requirements.
- actions resulting in redaction of any assessment materials, including examination papers.
- tampering with assessment materials and/or learner records.
- deliberate failure to adhere to our learner registration and certification procedures.
- deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements.
- deliberate failure to maintain appropriate auditable records for internal and external bodies.
- fraudulent claim for results and/or certificates.
- the unauthorised use of inappropriate materials/equipment in assessment settings.
- intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- deliberate misuse of our logo.

- collusion or permitting collusion in examinations/assessments.
- learners still working towards qualification after certification claims have been made.
- deliberate contravention by one of our academies or its learners of the assessment arrangements that we specify for our qualifications.
- Any loss, theft of, or a breach of confidentiality in, any assessment materials.
- copying work from another learner.
- impersonation – assuming the identity of another learner or having someone assume your identity during an assessment.
- unauthorised amendment, copying or distributing of examination/assessment papers/materials.
- inappropriate assistance to learners by centre staff.
- deliberate submission of false information to gain a qualification or unit.
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## **PROCESS FOR MAKING AN ALLEGATION OF MALPRACTICE OR MALADMINISTRATION**

Anybody, including EQAs, who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must immediately notify The Academy Manager**. In doing so they should put in writing/email and enclose appropriate supporting evidence. All allegations must include the following, where possible:

- The Academy name, address and contact number.
- Learner's name and ULN number.
- Academy managers details, name, job title.
- The details of the qualification affected.
- The nature of the suspected/actual malpractice and dates of malpractice.
- The details and outcome of any initial investigation carried out by the Academy or anyone else involved in the case.

All initial investigations must be carried out by an independent member of staff, not directly involved in the case. In all cases of suspected malpractice and maladministration, we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

## **NOTIFYING RELEVANT PARTIES**

In all cases of suspected or actual malpractice, we will notify the academy manager that we will be investigating the matter and/or in the case of learner malpractice, we may ask the academy manager to investigate the issue in liaison with our own personnel – in doing so we may withhold details of the person making the allegation.

Where the allegation may affect another AO, we will inform them in accordance with the regulatory requirements and obligations imposed by Ofqual.

## **INVESTIGATION TIMELINES AND SUMMARY PROCESS**

We aim to action and resolve all stages of the investigation within a maximum of 8 weeks of receipt of the allegation. Please note that in some cases the investigation may take longer we will advise all parties concerned of the likely revised timescale.

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

## **INVESTIGATION REPORT**

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy where appropriate. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- identify where the breach, if any, occurred.
- confirm the facts of the case.
- identify who is responsible for the breach (if anyone).
- confirm any actions/sanctions (if any) should be imposed.
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## **INVESTIGATION OUTCOMES**

If the investigation confirms that malpractice or maladministration has taken place, we will follow our Sanctions Policy. All parties involved will be advised of the outcome within 28 days.

All relevant parties that wish to make an appeal against our decision to impose sanctions, please refer to our Appeals Policy.

**This Policy will be updated 31-07-2022**