

Policy or Procedure Title: QDM 05	Malpractice and Maladministration Policy
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As part of the General Conditions of Recognition LAMDA Examinations is required to establish, maintain and comply with a Malpractice and Maladministration Policy.

This policy covers malpractice by learners, registered centres or others involved in the development and delivery of qualifications or its units, and maladministration on the part of the centre or any other party involved in the development, delivery and award of qualifications.

Malpractice

Definition

Malpractice means any act, default or practice which is a breach of the regulation or which

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of the qualification/unit or the validity of the result/certification

And/or

- Damages the authority, reputation or credibility of the Awarding Organisation.

Instances of Malpractice arise for a variety of reasons: Some are intentional and aim to give unfair advantage in an assessment. Some are instances that arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations and some occur due to the force of circumstances that is beyond the control of those involved.

Examples of Malpractice

The following will be deemed as malpractice (this list is not exhaustive):

- Impersonating a learner or conniving at impersonation
- Falsifying results sheets, report forms or certificates
- Holding qualifications purporting to be LAMDA qualifications when they are not
- Deliberately falsifying records or providing false information in order to claim certificates
- Misuse of designatory letters by an individual purporting to hold a LAMDA qualification that they do not possess or have never undertaken

Maladministration

Definition

Maladministration is any activity, neglect or default or other practice that results in a registered centre or any other party not complying with the specified requirements for the development, delivery or assessment of a qualification or unit as set out in the relevant codes of practice.

Examples of Maladministration

- Delay
- Incorrect action or failure to take any action
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation

Individuals involved in Malpractice/Maladministration are also varied. They may be

- Learners
- Teachers, centre coordinators and others responsible for the conduct of the examinations
- Assessment personnel such as the examiner
- Other third parties including parents, guardians and/or friends of the learners.

Procedure

Irrespective of the underlying cause or the people involved in allegations of malpractice/maladministration the awarding organisation must conduct a full investigation of instances of alleged or suspected malpractice/maladministration and must take action with respect to the individual or individuals concerned as is necessary to maintain the integrity of the qualifications.

In accordance with this requirement LAMDA Examinations will

- Oversee allegations in any suspected or alleged malpractice/maladministration
- Impose sanctions (if required)
- Withhold the issue of results
- Report the matter to the regulator as required
- Report the matter to the police if a suspected/alleged malpractice/maladministration is proven and has involved the commission of a criminal act

Action to be taken if malpractice/maladministration is suspected

By a centre:

If a centre suspects malpractice/maladministration has taken place on the part of any learner, teacher, member of the centre staff or any other person(s) involved in the delivery and assessment of a LAMDA Examinations qualification or units, then this must be reported to LAMDA Examinations as soon as possible.

The person(s) at the centre discovering or suspecting that malpractice/maladministration has taken place should notify LAMDA Examinations immediately (or at the earliest possible opportunity) on the LAMDA Examinations Malpractice/Maladministration form. Full details of the suspected malpractice/maladministration including the names of all persons who are suspected as being involved should be provided in writing to LAMDA Examinations within five working days, along with any additional evidence or documentation supporting the case.

The failure of a centre to co-operate with an investigation into suspected malpractice/maladministration may lead to a sanction being applied which may include the non-issue of certificates, examination report forms and medals and/or non-acceptance of any future entries from that centre or any other centre which may be associated with the centre that is the subject of the investigation. Please refer to LAMDA Examinations Sanctions Policy for more information.

By an individual:

If an individual involved in LAMDA Examinations qualifications suspects malpractice/maladministration has taken place on the part of any learner, teacher, member of the centre staff or any other person(s) involved in delivering and/or assessing of a LAMDA Examinations qualification, then this must be reported to LAMDA Examinations as soon as possible.

The individual(s) discovering or suspecting that malpractice/maladministration has taken place should notify LAMDA Examinations immediately (or at the earliest possible opportunity) on the LAMDA Examinations Malpractice/Maladministration form. Full details of the suspected malpractice/maladministration including the names of all persons who are suspected as being involved should be provided in writing to LAMDA Examinations within five working days, along with any additional evidence or documentation supporting the case.

By LAMDA Examinations:

Upon receipt of a report of a case of malpractice/maladministration, LAMDA Examinations will launch a full investigation into the matter. Any cases of suspected serious malpractice/maladministration will be notified to Ofqual or other appropriate regulatory authority.

LAMDA Examinations will appoint an investigating officer to conduct the investigation into the suspected malpractice/maladministration. The investigating officer will normally be the QDM. Where necessary other Managers may work together to investigate any given case.

A full record of every action taken during an investigation will be made in order to ensure transparency and demonstrate that the investigation is being conducted in an appropriate manner.

Where necessary LAMDA Examinations will discuss the proposed investigation strategy with the relevant regulatory authorities seeking advice and guidance as required in order to ensure that all investigatory activities will be carried out.

Investigating Malpractice/Maladministration

The investigating officer from LAMDA Examinations will review the circumstances of the reported suspected malpractice/maladministration and review the evidence and any associated documentation. The investigating officer will fully investigate what actually occurred, including the substance of the allegations, why it occurred, when and where it occurred and who was involved. The investigating officer will also determine what action has been taken by the centre involved.

For centres within the United Kingdom, the investigating officer, along with another senior representative from LAMDA Examinations will, where possible, visit the centre which is the subject of the suspected malpractice/maladministration. The investigating officer will, in the presence of the other senior representative from LAMDA Examinations, interview any or all persons who may be involved in any way with the centre or person(s) that are the subject of the investigation. If it is not possible for a centre visit to be undertaken, then any such person(s) subject to the investigation may be required to attend the offices of LAMDA Examinations in order that any necessary interviews can be carried out.

Centres outside the United Kingdom where suspected malpractice/maladministration has occurred will not ordinarily be visited by the investigating officer unless it is deemed essential to the investigation. In such circumstances it may be necessary to arrange for a telephone interview to be conducted with any such person(s) subject of the investigation which where possible will be recorded. The LAMDA Examinations overseas representative will also be notified and may act as the first point of contact when required.

Documentary evidence and records of interviews will be signed and dated by all persons present.

The investigating officer will seek to achieve the following objectives:

- Establish the full facts relating to the allegations of suspected malpractice in order to determine whether any irregularities have occurred.
- To identify the cause of the irregularities
- To identify those persons involved
- To establish the scale of the irregularities
- To evaluate the actions (if any) already taken by the centre concerned
- To determine whether any remedial action is needed to reduce the risk to current learners in order to preserve the integrity of the qualification
- To ascertain whether any action is necessary in respect of results already awarded and certificates and medals already issued
- To identify any potential trends that may lead to possible cases of malpractice at other centres

All cases will be fully investigated and a comprehensive report will be completed by the investigating officer. This report will be reviewed by the Head of LAMDA Examinations, for a decision/action which will be reported to the Exams sub-committee and documented in the Issues/Adverse Effects log.

Outcome of an investigation

The findings of the investigation will be notified to the persons concerned in writing within five working days of a decision having been reached.

Where appropriate a report will be submitted to the Ofqual or the relevant regulatory authority with the findings of the investigation and outcome within five working days as required.

LAMDA Examinations will report all cases of Malpractice/Maladministration to the regulatory authorities whenever it finds evidence that certificates may be invalid. LAMDA Examinations will fully co-operate with all appropriate authorities and/or police where necessary and agree to any appropriate remedial action that may be required if there is evidence to support the finding that certificates are invalid.

All documentation relating to an investigation of malpractice/maladministration will remain confidential and any records will be retained by LAMDA Examinations for a minimum of five years.

Sanctions

If a case of malpractice/maladministration has been established the investigating officer will recommend if a sanction is required. Please refer directly to LAMDA Examinations Sanctions Policy for further details.

Appeals

LAMDA Examinations has an established procedure relating to appeals via the complaints, enquiries about results and appeals procedure. Further information can be found in the LAMDA Examinations Complaints, Enquiries about Results and Appeals Policy.