



## Malpractice/Maladministration Policy



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EMA Training Ltd (EMA) is committed to ensuring the confidentiality and integrity of examination and certification procedures in line with those required by the Awarding Organisations (AO's) with whom it works.

EMA is committed to:

Maintaining and complying with up-to-date written procedures for preventing, identifying and investigating suspected, or alleged, malpractice or maladministration

Ensuring that investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

### **Definition of Malpractice**

Any deliberate action, neglect, default, or other practice carried out by staff or learners that compromises:

- The assessment process
- The integrity of qualifications and assessments
- The validity of a result or certificate

### **Examples of Malpractice**

- A breach of security (e.g. failure to keep test material secure, tampering with results)
- Deception (e.g. deliberate falsification of test records or manufacturing evidence);
- Taking bribes
- Selling or disclosing live test material
- Improper assistance to learners (e.g. prompting learners when answering test questions by means of signs, verbal or written prompts or allowing learners to have access to prohibited materials (e.g. dictionaries or calculators))
- Sitting the test for the learner
- Deliberate conflict of interest which compromises the integrity of the test (e.g. the invigilator has an invested interest in the outcome of the test)
- Failure to notify the AO of an actual or suspected malpractice when known;
- Failure to co-operate with a investigation
- Failure to investigate if requested by the AO
- There is a substantial error in assessment materials
- Learner collusion (not reportable to a Regulator if no certificates have been awarded)
- Learner plagiarism (not reportable to a Regulator if no certificates have been awarded)

### **Definition of Maladministration**

Any activity, neglect, default or other practice that results in non-compliance with the requirements for delivery of qualifications and assessments (including EPAs), as set out in relevant specifications, codes of practice or other documents.

### **Examples of Maladministration**

- Inappropriate retention or destruction of records
- Failure to ensure appropriate test conditions
- Poor administration (failure to have appropriate records)
- Failure to have appropriately trained staff
- Breach of re-sit rule
- Incorrect invigilator used for a live test
- Training provider staff take test for their own purposes that does not adhere to Awarding Organisation regulations (not to assist the learner)

- Training provider staff registering themselves for the test as a learner to view the test content with the aim to assist teaching (not to assist the learner)
- Registering a learner after a live test
- Accidentally logging a learner onto the wrong test
- Anyone involved in the delivery of the qualification invigilating the test; sharing keys and passwords inappropriately
- Additional attempts greater than the number of test papers as outlined in the qualification specification
- Giving learner assistance with reasonable adjustments when not authorised to do so
- Ignorance of the regulations
- Carelessness or forgetfulness when applying the regulations
- Unintentional conflict of interest
- Invigilator leaving the room during a live test
- Failure to check that learners do not have unauthorised material in the test room
- Requesting access arrangements for learners who do not meet the requirements

### **Preventing Malpractice and Maladministration**

EMA will ensure that all staff and learners involved in the qualifications and assessments processes will be made aware of the Malpractice and Maladministration policy and those of the AO's involved. EMA will also seek to prevent the occurrence of malpractice and maladministration through the following responsibilities:

#### **Responsibilities**

##### **Head of Centre/Centre Manager:**

- Appointing and ensuring the training of invigilators
- Ensuring all persons involved in booking and carrying out assessments are up-to-date with AO policies and procedures
- Appointing an investigator for cases of malpractice/maladministration and confirming how they are independent
- Ensuring policies, procedures and systems are designed and implemented in such a way as to prevent malpractice or maladministration occurring
- Building and maintaining a culture in which malpractice and maladministration does not take place, but if any incidents do occur, then students and staff feel enabled to report them
- Reporting to AO's within 48 hours all suspected incidents of malpractice/maladministration
- Supervising all investigations relating to an allegation of malpractice/maladministration
- Ensuring that potential conflicts are managed, the investigation is conducted independently, and decisions are made without bias
- Responding to all requests for an investigation into an allegation of malpractice/maladministration
- Co-operating and ensuring full co-operation of staff into any enquiries or allegations of malpractice/maladministration, whether the training provider/assessment venue is directly involved in the case or not
- Informing staff members and students of their individual responsibilities and rights
- Passing on to the individuals concerned any warnings or notification of penalties and ensure compliance with any requests made by AO's in connection with a malpractice/maladministration case.

##### **Invigilator:**

- Ensuring students provide photographic proof of identity before they are permitted to take an assessment
- Checking that students are not in possession of notes or mobile phones
- Ensuring that learners do not have unauthorised material in the test room
- Reading out the relevant invigilation/assessment instructions
- Ensuring there is adequate spacing between desks and/or use of privacy screens
- Providing appropriate signage

- Providing rough paper for students to make notes
- Ensuring that notes/reference materials are not taken out of the examination environment

### **Malpractice and Maladministration Investigations**

**Stage 1** – Notify AO at the earliest opportunity

**Stage 2** – Appoint investigator within 48 hours

**Stage 3** – Investigation leading to draft report within 14 days

- What occurred (nature of malpractice/substance of the allegations)
- Why the incident occurred
- Who was involved in the incident?
- When it occurred
- Where it occurred – there may be more than one location
- What action, if any, has been taken
- Recommendations
- Proposed actions

**Stage 4** – Draft report reviewed by Head of Centre/Board (as appropriate)

The draft report should include:

- A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the Deputy Director of Curriculum
- Written statements from the centre staff and Learners/Candidates who have been interviewed as part of the investigation
- Any work of the learner and internal assessment or verification records relevant to the investigation
- In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future. Any mitigating factors that should be considered

**Stage 5** – Outcome given (actions/further investigation) within 7 days of receiving report

**Stage 6** - Action plan and implementation

### **Appeals against malpractice decisions**

If a member of staff, learner or candidate disagrees with the outcome of the investigation, they may appeal following EMA's appeals procedure for staff and/or those of the AO's – See Student and External User Appeals Policy

**AAT Appeals Procedure** - <https://bit.ly/3qXHpy5>

**BCS Appeals Procedure** - <https://bit.ly/32Vfujp>

## Report of Suspected Malpractice/Maladministration

Details of Programme			
Award:		Course Reg. No.	
Start Date:		Location of malpractice:	
Date of Incident:		Time (am/pm session):	
Candidate Details			
Candidate Name			
Name(s) of Assessor/Internal Verifier or other(s) involved in suspected malpractice			
Name		Role	
Give details of the suspected malpractice (please continue on a separate sheet if necessary)			
Please complete all sections that are relevant			
Assessment/Examination Procedures			
Were the candidates made aware of the assessment regulations?	YES		NO
Was the 'Examination in Progress' sign displayed?	YES		NO
Were the 'Invigilators Instructions' read/explained to the candidates?	YES		NO
Were candidates informed of exam regulations at the start of the exam?	YES		NO
Portfolio Completion			
Had the candidate(s) signed the confirmation of completion of worksheets?	YES		NO
Had candidate(s) signed written declaration stating evidence is authentic?	YES		NO
Had the assessor/tutor signed the written declaration?	YES		NO
If the malpractice is plagiarism, please give full details and include copies if possible:			
Candidate Behaviour			
If malpractice involved disruptive behaviour, did this disturb other learners?	YES		NO
Does the malpractice involve the use of unauthorised material?	YES		NO

Supporting Evidence Submitted			
Statement from Assessor		Statement from IV	
Statement from Invigilator		Statement from Examiner(s)	

Statement from Candidate(s)		Candidate(s) Portfolio(s)	
Unauthorised material removed			
Assessment records		Source Copies of plagiarised material	
If statement(s) from those accused of malpractice are not enclosed, please tick the box to indicate that the opportunity to make a statement was given, but was declined.		Other (please give details)	

**Declaration**

The information supplied above is in support of the suspected malpractice that has been indicated on this form:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

AAT Malpractice/Maladministration Policy - <https://bit.ly/3HH2Nre>

BCS Malpractice/Maladministration Policy - <https://bit.ly/3HH2Nre>

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**Version Control**

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