

Policy and Procedure Ref: QDM05	<b>Malpractice and Maladministration Policy and Procedure for LAMDA Examinations</b>
Version: 07	
Owner: Quality Standards and Compliance Manager	
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## Introduction

As a awarding organisation, LAMDA is required to establish, maintain and comply with a Malpractice and Maladministration Policy.

This policy relates to suspected, alleged or actual malpractice and maladministration on the part of Learners, Centre staff and any others involved in the examinations process. It is also for use by LAMDA Examinations staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps a Centre, Learner or others must follow when reporting alleged or actual cases of malpractice / maladministration, and LAMDA Examinations' responsibilities in dealing with such cases. It also sets out the procedural steps LAMDA Examinations will follow when reviewing the cases.

Irrespective of the underlying cause or the people involved, all allegations of malpractice and maladministration in relation to LAMDA Examinations will be investigated. This is to protect the integrity of the qualifications and to be fair to the Centre and all Learners.

## Definitions

**Malpractice** means any deliberate actions or practices that compromise, or could compromise:

- the assessment process
- the integrity of a qualification
- the validity of a result or certificate
- the reputation and credibility of LAMDA Examinations
- the qualification or the wider qualifications community.

Failure by a Centre to notify, investigate and report to LAMDA Examinations any allegations of malpractice or suspected malpractice constitutes malpractice in itself.

**Maladministration** is any actions or practices which result in non-compliance with administrative regulations and requirements, and includes the application of persistent mistakes or poor administration within a centre.

Ofqual and CCEA Regulation set out the regulatory requirements for awarding organisations with regard to malpractice and maladministration in the General Conditions of Recognition, Condition A8: Malpractice and Maladministration. In addition, malpractice and maladministration regulations relating to Qualifications Wales can be found in the Standard Conditions of Recognition, Condition A8.

## Examples of Malpractice

The following are examples of **Centre** malpractice. This is not an exhaustive list and does not limit the scope of the definitions set out earlier in this document:

- giving inappropriate assistance to Learners during examinations
- impersonating a Learner or conniving at impersonation
- attempting to influence the Examiner's assessment by offering incentives or by using threatening or intimidating behaviour
- providing false supporting documentation e.g. a fake letter from a SENCO
- falsifying results sheets, report forms or certificates
- discriminating against Learners
- deliberate misuse of the LAMDA Examinations logo and / or misrepresentation of a Centre's relationship with LAMDA Examinations
- intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications.

The following are examples of **Learner** malpractice. This is not an exhaustive list and does not limit the scope of the definitions set out earlier in this document:

- assuming the identity of another Learner, or having someone assume their identity during an examination
- plagiarism
- deliberately behaving in such a way as to undermine the integrity of the assessment
- the use of unauthorised aids during an examination
- deliberate submission of false information to gain a qualification
- the alteration or falsification of any assessment document, including examination reports or certificates
- the deliberate destruction of another Learner's work.

### **Examples of Maladministration**

The following are examples of maladministration. This is not an exhaustive list and does not limit the scope of the definitions set out earlier in this document:

- failing to ensure that the examination venue conforms to LAMDA Examinations requirements as stated in the *LAMDA Examinations Guide for Centres and Teachers*
- failing to post notices relating to the examination or assessment outside all rooms where examinations and assessments are being held
- unreasonable delays in responding to requests and/or communications from LAMDA Examinations
- failing to provide information and / or documentation when requested
- failing to start an examination on time
- making unauthorised changes to the examination timetable, including adding unregistered Learners to the timetable on the day.

### **Identification of Malpractice and Maladministration**

Instances of malpractice and maladministration arise for a variety of reasons:

- some are intentional actions which aim to give an unfair advantage in an assessment
- some arise due to a lack of knowledge or understanding of the regulations

- or carelessness in applying the regulations
- some occur as a direct result of circumstances which are beyond the control of those involved

There are a number of ways in which LAMDA Examinations identify cases of suspected malpractice and maladministration, including:

- on-going quality assurance activity and monitoring
- intelligence, complaints or feedback received
- information provided by other organisations e.g. other awarding organisations or the regulators.

Suspected malpractice and maladministration may be identified by:

- Internal or external Quality Assurance staff
- Examiners
- Centre representatives
- whistleblowers (please see the *Whistleblowing Policy for LAMDA Examinations* for further information)
- Learners
- Ofqual, CCEA Regulation or Qualifications Wales
- employees of LAMDA Examinations
- other stakeholders, e.g. parents or members of the public.

Irrespective of the underlying cause or the people involved in the allegations of malpractice or maladministration, LAMDA Examinations will conduct a full investigation and will take action with respect to the individual or individuals concerned, as is necessary to maintain the integrity of LAMDA qualifications.

### **Reporting Procedure**

If an allegation of malpractice or maladministration is to be made, LAMDA Examinations should be contacted as soon as possible either by email (exams@lamda.ac.uk), or telephone (0208 834 0530). A member of LAMDA Examinations staff will take preliminary details and inform the Quality, Standards and Compliance Manager (QSCM) immediately. Alternatively, LAMDA employees wishing to make an allegation against a member of LAMDA's Senior Management Team may do so by contacting the Principal.

The person making the allegation will be asked to complete a *Notification of Suspected Malpractice / Maladministration Form* and to submit it to LAMDA Examinations as soon as possible. The form should be emailed to exams@lamda.ac.uk, marked for the attention of the QSCM, or posted to

Quality, Standards and Compliance Manager  
 LAMDA Examinations  
 155 Talgarth Road  
 London  
 W14 9DA

A copy of this form can be found in **Appendix 1** of this document and a Word version is available on request.

Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the allegation warrants it. In these cases, the Centre Coordinator will be informed and asked to comment or investigate.

LAMDA Examinations will acknowledge receipt of the *Notification of Suspected Malpractice / Maladministration Form* within **48 hours** of receipt.

Upon receipt of the form LAMDA Examinations will launch a full investigation into the matter. Where serious malpractice or maladministration is suspected which is likely to have an Adverse Effect, Ofqual (and/or other regulatory authorities as appropriate) will be notified.

LAMDA Examinations will appoint an Investigation Manager to conduct the investigation into the suspected malpractice / maladministration. The Investigation Manager will be appropriately competent and will have no personal interest in the investigation's outcome. The decision as to who investigates rests with the Head of Examinations.

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. In doing so, investigations will be based around the following broad objectives:

- to establish the full facts relating to the allegations 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 obtain clear evidence to support any sanctions to be applied in accordance with the *Sanctions Policy for LAMDA Examinations*
- to identify any potential trends that may lead to possible cases of malpractice at other Centres.

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

Where an individual is suspected of malpractice or maladministration, they will be informed of the allegation made against them and the initial evidence that supports the allegation. They will be provided with the opportunity to consider their response to the allegation, submit a written statement and to seek advice, should they wish to. At this stage they will also be informed of what the possible consequences might be if the allegation is proven, and of the possibility that other parties, such as the regulators or the police, may be informed.

The Investigation Manager, along with another senior representative from LAMDA Examinations may, if appropriate, visit the Centre which is the subject of the allegation. The Investigation Manager may, 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. Documentary evidence and records of interviews will be signed and dated by all persons present. Where the interviewee is a minor or vulnerable adult, LAMDA Examinations will consider the need to have a parent, guardian or carer present or to have permission from these people prior to the interview taking place.

Once the investigation is complete a report will be produced by the Investigation Manager. The report may be accompanied by the following documentation as appropriate:

- a statement of the facts, a detailed account of the circumstances and any investigations undertaken by the Centre
- written statements from Centre staff and Learners interviewed as part of the investigation
- any Learners' work or records relevant to the case
- details of any remedial action being taken by the Centre to ensure the integrity of the qualification now and in the future
- a description of any mitigating factors that should be considered.

The report will be passed to the LAMDA Head of Examinations for review. They will:

- consider the facts of the case
- decide, based on the facts, whether malpractice or maladministration has occurred
- establish who is responsible
- decide upon any actions and / or sanctions in line with the *Sanctions Policy for LAMDA Examinations*.

Any decisions made will be justifiable, reasonable and consistent.

LAMDA Examinations aim to action and resolve all stages of the investigation within **28 working days** of receipt of the *Notification of Suspected Malpractice / Maladministration Form*. In some cases the investigation may take longer, for example, where a Centre visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

The findings of the investigation will be notified to the persons concerned in writing within **five working days** of a decision having been reached, providing them with details of the evidence used to support the decision. We will provide a copy of the *Appeals Policy and Procedure for LAMDA Examinations* should they wish to appeal against our decision. LAMDA Examinations will not disclose details of ongoing investigations. In addition, it may not be appropriate to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons.

In instances where Ofqual (or other regulators) were notified of the investigation, a final report will be submitted with the findings, outcome and any further actions within **five working days** of a decision being reached. In addition, in accordance LAMDA Examinations will also inform other Centres and / or awarding organisations if the malpractice / maladministration, or any connected occurrence, has the potential to affect them.

All documentation relating to an investigation of malpractice / maladministration will remain confidential and any records will be retained by LAMDA Examinations in line with LAMDA policy.



**Name of Examination(s) / Assessment(s) Involved**

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**Describe in detail the nature of the suspected malpractice / maladministration, including details (if relevant) as to how it was discovered and when.**

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**Could the Learner(s) have been unfairly advantaged or disadvantaged by the suspected malpractice / maladministration? Please justify your answer.**

**In your opinion, what could have been done to avoid the suspected malpractice / maladministration from happening?**

**Please declare any personal interest you may have in the outcome of the investigation into this case.**

**I certify that the information provided in this document is true and correct to the best of my knowledge.**

**Name**

**Position**

**Date**

**Contact Email Address / Telephone Number**

Please return this form to [exams@lamda.ac.uk](mailto:exams@lamda.ac.uk) for the attention of the Quality Standards and Compliance Manager.