



POLICIES & PROCEDURES

Malpractice & Maladministration Policy

Reviewed on: 04/03/2022

Reviewed by: Chris Foley

Signed: *C W Foley*

Next Review Date: March 2023

MALPRACTICE & MALADMINISTRATION POLICY

INTRODUCTION

This policy is aimed at staff, teachers, assessors, learners and others with an interest in Oxford Energy Academy qualifications. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

REVIEW ARRANGEMENTS

We will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to feedback and practice.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

DEFINITION OF MALPRACTICE

Malpractice can be defined as any activity or practice, which deliberately contravenes awarding body requirements and regulations and compromises the integrity of assessment process and/or the validity of certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias as defined in our Equal Opportunities policy.

DEFINITION OF MALADMINISTRATION

Maladministration can be defined as any activity or practice, which results in non-compliance with EAL regulations and requirements and includes the application of persistent mistakes or poor administration.

EXAMPLES OF MALPRACTICE AND MALADMINISTRATION

The categories listed below are examples of malpractice and maladministration. These examples cover malpractice or maladministration that could be carried out by staff, teachers, assessors, learners or Examiners. Please note that these examples are not exhaustive:

- Denial of access to premises, records, information, learners and staff to any authorised EAL representative and/or the regulatory authorities
- Failure to carry out exams in accordance with our and awarding body requirements
- Deliberate failure to adhere to our learner registration and certification procedures.

- Deliberate or persistent failure to continually adhere to documented procedures, policies or expectations and/or actions
- Fraudulent claim for certificates.
- Intentional withholding of information from Oxford Energy Academy which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Deliberate misuse of Oxford Energy Academy's and awarding body logo and trademarks or misrepresentation of Oxford Energy Academy's relationship with awarding body and/or its recognition and approval status with awarding body
- Collusion or permitting collusion in examinations
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Unauthorized amendment, copying or distributing of exam/assessment papers/materials.

PROCESS FOR MAKING AN ALLEGATION OF MALPRACTICE OR MALADMINISTRATION

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must promptly notify Oxford Energy Academy. The allegation should be made in writing and addressed to the Directors at the following address:

Directors

Oxford Energy Academy

Avenue One

Station Lane

Witney

Oxfordshire

OX28 4XZ

Or emailed to Info@oxford-energy-academy.co.uk

Appropriate supporting evidence should be enclosed where possible. Information should include:

- The nature of the suspected or actual malpractice and associated dates
- Who was involved in the suspected malpractice or maladministration and their relationship with Oxford Energy Academy?

Cases of suspected malpractice brought anonymously will not be processed. However, in all cases of suspected malpractice and maladministration reported to us we would protect the identity of the individual identifying the case.

The Directors will acknowledge receipt within 48 hours.

RESPONSIBILITY FOR THE INVESTIGATION

All suspected cases of maladministration and malpractice will be examined promptly by Oxford Energy Academy

The Directors are responsible for ensuring the investigation is carried out in a prompt and effective manner. The Directors will allocate a relevant member of staff to lead the investigation to establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Oxford Energy Academy

The Directors will ensure that Oxford Energy Academy's personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

The Directors are responsible for making sure that Oxford Energy Academy take any reasonable steps to prevent the malpractice or maladministration from occurring again.

NOTIFYING RELEVANT PARTIES

In all cases of suspected or actual malpractice, we will notify the individuals involved in the allegation of our investigation.

Where applicable, the Director will inform the appropriate regulatory authorities or the awarding body if we believe there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification or if it could affect another awarding organizations.

INVESTIGATION TIMELINES AND SUMMARY PROCESS

We aim to action and resolve all stages of the investigation within twenty (20) working days of receipt of the allegation. Please note that in some cases the investigation may take longer. If this is the case, we will advise all parties concerned of the revised timescale.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- Ensure all material collected as part of an investigation is securely kept. All records and original documentation concerning a completed investigation that ultimately leads to action being taken will be retained for a period of not less than five years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with Oxford Energy Academy and the awarding body.

INVESTIGATION REPORT

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

The final report will be made available to the parties concerned and to the awarding body, regulatory authorities and other external agencies as required.

INVESTIGATION OUTCOMES

On conclusion of a malpractice / maladministration investigation, the Directors will propose one or more of the following courses of action, which will be signed off by the Directors before implementation. Any action proposed will be commensurate with the gravity of the malpractice / maladministration as determined by the outcome of the investigation.

- Registered staff, teachers, assessors, learners may have their status revoked (temporarily or permanently).
- Staff, teachers, assessors may be suspended from entering learners for examinations (temporarily or permanently).
- Learners may be barred from entering for awarding body examinations (temporarily or permanently)
- Examiners may be removed from entering learners (temporarily or permanently)
- Employees of Oxford Energy Academy may have their contract suspended or terminated.
- Contracted personnel found guilty of malpractice may have their employment contract revoked.

If the relevant party(ies) wishes to appeal against Oxford Energy Academy's decision to impose sanctions, please refer to the Appeals Policy.