



# MALPRACTICE & MALADMINISTRATION POLICY

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Updated 1<sup>st</sup> September 2022

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## Malpractice & Maladministration policy

### Introduction

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

### Issue and Review

The date of review of this policy is **September 2023**.

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 NEA 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



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Maladministration can be defined as any activity or practice, which results in non-compliance with NEA 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 teachers, candidates or Examiners. Please note that these examples are not exhaustive:

- Denial of access to premises, records, information, learners and staff to any authorised NEA representative and/or the regulatory authorities
- Failure to carry out exams in accordance with our 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 us which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Deliberate misuse of our logo and trademarks or misrepresentation of a teacher's relationship with NEA and/or its recognition and approval status with NEA.
- 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.
- Deliberate failure to adhere to or deliberately misuse the arrangements outlined in our Reasonable Adjustments and Special Considerations Policy.

## 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 NEA**. The allegation should be made in writing and addressed to the Examinations Director at the following address:



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Miranda Jacobs  
Examinations Director  
New Era Academy  
2, Aglaia Road  
Worthing  
West Sussex  
BN11 5SN

Or emailed to [miranda.jacobs@neweraacademy.co.uk](mailto:miranda.jacobs@neweraacademy.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 NEA

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 Examinations Director will acknowledge receipt within 48 hours.

## **Responsibility for the investigation**

All suspected cases of maladministration and malpractice will be examined promptly by NEA.

The Examinations Director is responsible for ensuring the investigation is carried out in a prompt and effective manner. She 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 NEA.

She will ensure that NEA 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.



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The Examinations Director is responsible for making sure that NEA takes 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 Examinations Director will inform the appropriate regulatory authorities and other awarding organisations, 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 organisation.

## **Investigation timelines and summary process**

We aim to action and resolve all stages of the investigation within 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 us.

## **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.



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

## **Investigation outcomes**

On conclusion of a malpractice / maladministration investigation, the Examinations Director will propose one or more of the following courses of action, which will be signed off by the Board of 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 teachers may have their status revoked (temporarily or permanently).
- Teachers may be suspended from entering candidates for examinations (temporarily or permanently).
- Candidates may be barred from entering for NEA examinations (temporarily or permanently)
- Examiners may be removed from the Panel of Examiners (temporarily or permanently)
- Employees of NEA 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 our decision to impose sanctions, please refer to our Appeals and Enquiries Policy.