

MALPRACTICE AND MALADMINISTRATION

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INTRODUCTION

AIA understands malpractice to be any deliberate action, neglect, default or other practice which breaches AIA regulations and undermines the integrity and validity of any part of the assessment process resulting in,

- the invalidation of the AIA qualification;
- damage to the reputation and credibility of AIA;
- damage to the reputation and credibility of the wider qualifications community.

Maladministration is defined by AIA as any incompetent or dishonest management or administration in relation to the delivery of the AIA qualification.

AIA is regulated by the Financial Reporting Council (FRC), the Irish Auditing and Accounting Supervisory Authority (IAASA) and the Office of Qualifications and Examinations Regulation (Ofqual).

The AIA Malpractice and Maladministration Policy outlines AIA responsibilities as an Awarding Organisation (Ofqual), Recognised Qualifying Body (FRC) and Recognised Prescribed Body (IAASA), providing guidance on the following;

- the identification of malpractice;
- preventing malpractice;
- how to report potential malpractice issues;
- the response process adopted by AIA;
- the implementation of the investigative strategy;
- expected outcomes;
- the sanctions available.

This policy differentiates between actual and suspected cases of malpractice or maladministration that relate to study providers and actual and suspected cases of malpractice or maladministration that relate to the AIA assessment process in order illustrate the different reporting lines, assessment criteria and applicable sanctions.

This policy is publicly available and maybe download from the 'Related Documents' section of the 'Join AIA' page of the website www.aiaworldwide.com

The effectiveness of the policy is reviewed annually and if necessary, amended in response to stakeholder feedback, internal administrative changes, regulatory reports and updates in legislation.

1.0 STUDY PROVIDERS

1.1 IDENTIFYING MALPRACTICE AND MALADMINISTRATION

Incidents of malpractice or maladministration are identified during,

- the operation of AIA's Risk Management processes;
- AIA's annual review of study providers, including review of enrolment, registration and certification data;
- review of feedback or intelligence from stakeholders, third parties or regulators;
- a whistleblowing investigation; or
- another investigation.

1.2 EXAMPLES OF MALPRACTICE

Incidents of study provider malpractice may include any of the following actions;

- failure to adhere to AIA instructions and procedures documented in the study provider contract;
- deliberately misleading AIA with regard to the information pertaining to students; this includes misrepresentation of facilities available such as library access or false information on enrolments, drop out rates or exam performance;
- failure to report any Health and Safety issues to the Head of Development at AIA Head Office as soon as possible;
- failure to implement conditions of approval within timescales previously agreed with AIA and to maintain these conditions post approval;
- continually postponing visits from AIA representatives and/or regulatory authorities for monitoring and approval purposes and any refusal of access to information;
- providing information on the Association's qualifications which is inaccurate or misleading;
- failing to report any breach of confidentiality or security;
- failure by a college to report any action taken by UK Visas and Immigration regarding its Tier 4 licence.

1.3 EXAMPLES OF MALADMINISTRATION

Incidents of study provider maladministration may include any of the following actions:

- failure to maintain auditable records of enrolments; dropout rates or exam performance;

- failing to report an administrative error that has the potential to create an adverse effect such as providing students with incorrect information on any aspect on AIA or its examinations;
- misuse of the AIA logo;
- deliberate falsification of records.

1.4 PREVENTION

AIA takes the following steps to prevent malpractice and maladministration from occurring:

- A designated contact person is appointed for each study provider. This person is provided with full information regarding what constitutes malpractice and maladministration, their role in preventing it and the importance of briefing all college staff under their jurisdiction.
- The risk posed by each centre in relation to potential malpractice and maladministration is assessed and the appropriate steps with regard to the level of risk identified are taken in accordance with AIA's Risk Management Policy.
- All centres are regularly monitored by AIA to encourage good practice.
- AIA offers support and training to all centre staff to help them understand their responsibilities.
- AIA has in place a customer service statement that is subject to monthly internal monitoring.

1.5 REPORTING

Suspected or actual incidents of malpractice must be reported immediately to the Head of Development by the person who witnessed the incident. The appropriate form must be used.

If AIA considers that other organisations may be affected by the malpractice it may inform the organisations concerned; however, once the case has been proven, AIA is required by Ofqual¹ to notify all organisations that may be affected.

All allegations of serious malpractice or maladministration are reported immediately to the relevant authorities. AIA cooperate fully with these authorities regarding the format of any subsequent investigation undertaken.

Any event that could have an adverse effect on AIA operations ² is reported immediately to the relevant regulator.

¹ Ofqual General Conditions of Recognition A8

2. As defined by Ofqual in the General Conditions of Recognition

1.6 RESPONDING

When a suspected incident is reported, the Head of Development will confirm the details of the person making the report, taking into account the requirements of AIA's External Whistleblowing Policy. The Manager will then assess whether there are reasonable grounds to suspect that a case of malpractice or maladministration has occurred. The assessment will give consideration to the source and content of the report and to the study provider's Quality Assurance status. The Senior Officer will then take immediate action to prevent any adverse effect from arising. If an adverse effect has already occurred steps will be taken to mitigate it according to Ofqual's requirements.

1.7 INVESTIGATING

1.7.1 ESTABLISH THE DETAILS

Prior to the commencement of any investigation the Manager must establish and log the details of the reported incident. The details must include the following information;

- what occurred and where;
- who was involved;
- the timings/sequence of events;
- actions already taken by others;
- whether an investigation is recommended and on what scale.

1.7.2 CREATE A STRATEGY

The Manager must create a written record of the information available at the commencement of the investigation and create a log where everyone involved in the investigation can record their actions. These records must be auditable. Other mandatory elements of all investigations are;

- all members of the investigation team must be fully briefed;
- debrief the team after each day's activity and keep a note of this practice;
- securely store all electronic/paper information;
- create a file of all telephone contacts and note of conversations;
- keep a paper copy of all investigation notes.

1.7.3 APPOINT A TEAM

If AIA requests that an investigation be undertaken by the Study Provider for an incident of maladministration, it should be carried out by the person responsible for the AIA programme.

More serious allegations of maladministration and all allegations of malpractice will be investigated by the AIA directly and the Development Team Head is responsible for the management of the subsequent investigation.

1.7.4 REVIEW THE EVIDENCE

In these cases, the Development Team Head will review the evidence presented and examine the allegation. The Development Team Head will then put in place a plan of action and if necessary will call upon other people to assist with the investigation; the number of additional people drafted and their respective roles will depend upon the nature, scope and location of the reported incident; no one involved in, or closely associated with, the alleged incident of malpractice will be recruited. During the process of the investigation it may be necessary to review and amend the action plan and also to note any changes which may be required to this policy.interviewing

The Development Team Head will inform everyone involved that an investigation will be conducted requesting full cooperation from the Study Provider and access to any necessary information.

Undertaking telephone interviews with those involved and visits to the study provider that will include face to face interviews may also be required.

1.7.5 CONDUCTING INTERVIEWS

Failure by the Study Provider to comply with any request made by the Development Team or anyone who has been recruited to assist as an investigator will be noted and may lead to the AIA 'Approved Study Provider' status being either temporarily or permanently removed.

Prior to the commencement of visits to the study provider and any subsequent interviews clear objectives must be agreed. The use of a preparation document is essential.

The preparation document must include information on;

- the name of the interviewee and an allocated interview reference number;
- the date of the interview;
- a brief note of the alleged incident;
- the points that need to be proved;
- a note on the anticipated or actual defence;
- the purpose of the interview;
- the verified facts;
- the facts that need to be established during the interview;
- any other comments.

1.8 OUTCOMES

On completion of the investigation the Development Team Head writes a full report detailing;

- the origin of the incident and how it was discovered;
- the process of investigation including participants;
- details of the evidence gathered and how it was obtained;

- the conclusions drawn and any recommendations made.

If the incident gave rise to a potential or adverse effect the report will contain details of the effect and the action taken by the Development Head to either prevent or mitigate and correct the effect.

The report will then be forwarded to the Qualifications Committee for review during its next scheduled meeting. The Qualifications Committee will recommend an appropriate course of action. The Development Head will manage this course of action and take any additional steps necessary to prevent further recurrence of the incident.

AIA's Responsible Officer will inform Ofqual of the outcome/decision made by the Qualifications Committee.

1.9 SANCTIONS

As outlined above, the Qualifications Committee is responsible for any decision taken against a study provider in relation to incidents of Study Provider Malpractice and/or Maladministration. In the event that a decision is made to impose sanctions on the Study Provider, the Head of Development is responsible for advising the college.

The severity of the sanction will depend on the degree to which the malpractice impacts upon the integrity of the AIA qualification; for example,

- for a breach of brand guidelines, the Qualifications Committee may request that the Study Provider be advised of the error and told to withdraw the promotional materials. They would then be required to provide copies of amended materials to be reviewed and approved prior to printing. In instances where this breach occurs on more than one occasion over a twelve-month period, the Qualifications Committee may consider the removal of approved Study Provider status.
- In the case of poor or non-existent student facilities the Qualifications Committee may request that the Study Provider introduce certain facilities within a specified time for example, six months. Non-compliance with this request may result in the removal of the college's AIA Study Provider status.

In cases where the integrity of the AIA course has been compromised the Qualifications Committee will give consideration to the severity of the risk and the adverse impact on AIA students and to those relying on the qualification and the sanctions imposed will relate directly to this risk. For example,

- for the failure by the college to report an administrative error to AIA such as providing the wrong advice to students about available exemptions the Committee may request that college administrative staff undertake specific training, within a particular period of time, with a further review at the end of the training.
- For a more serious incident such as failure by a college to report any investigation or action taken by UK Visas and Immigration regarding its Tier 4 licence, AIA will take immediate action to protect its students and the college's AIA Study Provider status may be removed.

2.0 EXAM VENUE PROVIDERS

2.1 IDENTIFYING MALPRACTICE AND MALADMINISTRATION

Incidents of malpractice or maladministration are identified immediately prior to, during, or immediately following the exam as the result of,

- intelligence from third parties or regulators;
- complaints from students/candidates;
- whistleblowing;
- information uncovered as the result of another investigation.

2.2 EXAMPLES OF MALPRACTICE

Incidents of malpractice relating to exam venues may include any of the following;

- amendments or redactions made by the invigilator or by the venue provider to an AIA exam paper and any copying or unauthorised distribution of these papers or any unauthorised access to exam material;
- failure to adhere to the requirements of AIA's Reasonable Adjustments and Special Considerations Policy;
- the provision of inaccurate or misleading information pertaining to the exams;
- failure to adhere to AIA Venue Provider Instructions and procedures at any point in the exam process;
- the provision of improper assistance to candidates; for example, by permitting the use of a reasonable adjustment over and above what is authorised by AIA.

2.3 AN EXAMPLE OF MALADMINISTRATION

Failure to correctly complete the exam invigilator documents required by AIA and to submit these to AIA within the specified period.

2.4 PREVENTION

AIA undertakes the following actions to prevent the occurrence of malpractice:

- The Senior Invigilator is provided with full and comprehensive information regarding what constitutes malpractice and maladministration, their role in preventing it and the need for them to full brief all staff under their jurisdiction.
- AIA regularly shares good practice with exam venue providers.

- AIA provides support to all invigilators to help them understand their responsibilities in this respect.

2.5 REPORTING

AIA requires all suspected or actual incidents of malpractice or maladministration to be reported immediately to the Qualifications Manager using the appropriate form.

AIA informs the relevant authorities directly it receives any allegation of serious malpractice or maladministration before commencing its own investigation and cooperates fully with these authorities until the matter is concluded.

Any event that could have an adverse effect is reported immediately to Ofqual by the AIA's Responsible Officer.

2.6 RESPONDING

As soon as the report/complaint is received it is reviewed and assessed by the Qualifications Manager and the Head of Membership Services. If it appears there are reasonable grounds to suspect that an incident of malpractice/maladministration has occurred immediate action will be taken by AIA to prevent any potential adverse effect; if the effect has already occurred steps will be taken by AIA to alleviate this according to Ofqual guidance.

2.7 INVESTIGATING

2.7.1 ESTABLISH THE DETAILS

Prior to the commencement of any investigation the Head of Membership Services and the Qualifications Manager must establish and document all details available pertaining to the reported incident. These details must include the following information;

- what occurred and where;
- who was involved;
- the timings/sequence of events;
- actions already taken;
- whether an investigation is required and on what scale.

2.7.2 CREATE A STRATEGY

Each investigation will be tailored to the requirements of the suspected incident; however, all investigations will include the following mandatory elements;

- all members of any investigative team/committee appointed are fully briefed;
- all telephone conversations are noted and a record of the contents filed;
- a paper copy of all notes pertaining to the investigation is created;

- all information is securely stored.

The Head of Membership Services will then inform the exam venue provider that an investigation is being undertaken and request access to all necessary information and full cooperation from the venue provider and the invigilator(s) concerned. The persons conducting the investigation may also ask for additional information to be sent to AIA, arrange telephone interviews with those involved, and in more serious cases, visit the venue.

Failure to comply with any request made by the Head of Membership Services will result in the exam venue provider being either temporarily or permanently barred from hosting future AIA exams.

2.7.3 APPOINT A TEAM

If the Head of Membership Services considers there is a case to be investigated, depending upon the location and seriousness of the alleged incident other people will be approached to assist with the subsequent investigation. The number of additional people drafted and their respective roles will depend upon the nature, scope and location of the reported incident; no one involved in, or closely associated with, the alleged incident will be recruited.

2.8 OUTCOMES

On completion of the investigation the Head of Membership Services writes a full report detailing the origin of the incident and how it was discovered, the process of investigation including participants, details of the evidence gathered and how it was obtained, the conclusions drawn and any recommendations made.

If the incident gave rise to a potential or adverse effect the report will contain details of the effect and the action taken by the Head of Membership Services to either prevent, or mitigate and correct the effect.

The report will then be forwarded to the Qualifications Committee for review at the next scheduled meeting. The Qualifications Committee will then advise on an appropriate course of action. The Head of Membership Services will ensure that the appropriate action is undertaken to prevent recurrence of the malpractice event.

AIA Responsible Officer will inform Ofqual of the outcome/decision made by the Qualification Committee and this will also be documented.

All reports of the incident and the outcomes are filed by the Compliance Executive and will contribute to AIA's annual evaluation of the effectiveness of the policy (please refer to AIA Internal Monitoring Procedures).

2.9 SANCTIONS

As outlined above, the Qualifications Committee is responsible for any decision taken against the Exam Venue Provider in relation to incidents of Malpractice and/or Maladministration.

Sanctions can vary in severity and examples of some of the sanctions which could be implemented are outlined below:

- In the event of the unauthorised distribution of AIA exam papers the Qualification Committee may decide that the exam venue provider will not be permitted to host any future AIA exams;
- For failing to complete invigilation documents correctly the Qualification Committee may rule that the exam venue provider must ensure that those responsible for invigilating exams undertake specific training within a stipulated time period, and undergo an assessment of their competence at the end of the training.

3.0 STUDENTS

3.1 IDENTIFYING MALPRACTICE AND MALADMINISTRATION

Incidents of student malpractice are identified,

- immediately prior to, during, or immediately following the exam;
- as the result of the operation of AIA's risk management process;
- receipt of feedback or intelligence from study providers or exam venue providers;
- reports or complaints received from other students;
- information uncovered by AIA during another investigation.

3.2 EXAMPLES OF MALPRACTICE

3.2.1 REPORTED BY STUDY PROVIDER

Instances of student malpractice reported by a study provider may include;

- non-adherence to health and safety regulations;
- plagiarism;
- obtaining unauthorised access to exam material;
- altering or forging any results or certificates;
- disruptive behavior;
- damaging another student's work;
- copying another student's work.

3.2.2 REPORTED BY EXAM VENUE PROVIDER

Examples of malpractice by exam candidates can include the following;

- a candidate arranging for someone else to sit an exam for him/her;

- a candidate being in possession of materials not permitted in the exam such as notes or books. This constitutes malpractice even if the candidate does not use them;
- copying from another candidate or allowing another candidate to copy his or her work;
- damaging another candidate's work;
- disruptive behaviour at the exam venue;
- entering offensive/inappropriate work in an exam script;
- use of a mobile phone during the exam;
- communicating with another candidate during the exam;
- continuing to write in the exam script once the invigilator has announced the conclusion of the exam;
- inclusion of inappropriate, offensive, discriminatory or obscene material in exam scripts.

3.3 PREVENTION

AIA undertakes the following actions to minimize the likelihood of an incidence of malpractice occurring;

- study providers and exam venue providers are fully briefed as to what constitutes malpractice and maladministration and the relevant reporting process;
- the AIA Policy on Malpractice and Maladministration is available for students to download from the AIA website;
- AIA also draws students' attention to this potential risk in its Student Guide and on the Exam Notification Form.

3.4 REPORTING

Suspected or actual incidents of malpractice, by a student, must be reported immediately to AIA using the appropriate form.

In all cases where a candidate is suspected of malpractice during an exam, the invigilator must warn the candidate that the actions being carried out may constitute malpractice and that the incident will be reported to the AIA even though the candidate will be allowed to finish the exam.

Before leaving the exam venue the candidate in question will be given the opportunity to provide a statement explaining his/her conduct. The statement can be written by the candidate and signed by the invigilator, or the candidate can provide an oral account which the invigilator writes down; the candidate then reads this account and signs to confirm its accuracy.

Candidates are not obliged to provide a statement before leaving the exam venue; if they choose not to the invigilator will note this in the report.

3.5 RESPONDING

The Head of Membership Services will confirm the details of the person making the allegation taking into account the requirements of the AIA Whistle Blowing Policy. If the Manager decides that an investigation is required immediate action will be taken to prevent, or in the very least mitigate, the occurrence of an adverse effect

The Head will then assess whether there are reasonable grounds to suspect an incident of malpractice or maladministration has occurred. When more serious malpractice is either suspected or has taken place, the allegation will be passed to the relevant authorities before AIA conducts an investigation. AIA will cooperate fully with these authorities regarding the implementation of any subsequent investigation.

If AIA is of the opinion that the reported case of malpractice requires further investigation the candidate's results will be withheld until a full investigation can take place.

Any event that may potentially have an adverse effect is reported immediately to Ofqual by AIA Responsible Officer.

3.5.1 RIGHTS OF THE ACCUSED CANDIDATE

The Qualifications Committee receives the evidence following the investigation of an incident of candidate malpractice. The candidate accused of malpractice must;

- be informed by email of the allegation and the evidence in support of the allegation;
- be fully aware of the possible consequences should the malpractice be proven;
- have the opportunity to consider their response to the allegation (if required)
- have an opportunity to submit a written statement;
- have the opportunity to seek advice (as necessary) and to provide a supplementary statement;
- be informed of the applicable appeals procedures, should a decision be made against him or her;
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, organisations and regulators, as appropriate.

3.6 INVESTIGATING

3.6.1 ESTABLISH THE DETAILS

Prior to the commencement of any investigation the Head of Membership Services and the Qualifications Manager establish and document all details available pertaining to the reported incident. These details must include the following information;

- what occurred and where;
- who was involved;
- the timings/sequence of events;

- actions already taken;
- whether an investigation is required and on what scale.

3.6.2 CREATE A STRATEGY

Each investigation will be tailored to the reported incident; however, all investigations include the following mandatory elements;

- all members of any investigative team/committee appointed must be fully briefed;
- all telephone conversations must be noted and a record of the contents filed;
- a paper copy of all notes pertaining to the investigation must be created;
- all information must be securely stored.

3.6.3 APPOINT A TEAM

If the Head of Membership Services considers there is a case to be investigated, depending upon the location and seriousness of the alleged incident other people will be approached to assist with the subsequent investigation. The number of additional people drafted and their respective roles will depend upon the nature, scope and location of the reported incident; no one involved in, or closely associated with the alleged incident may be recruited.

The Head of Membership Services will inform all those concerned that a malpractice investigation is underway and will request full cooperation from the study provider or exam venue provider, invigilator and student or candidate along with access to any necessary information. Once appointed the investigators may ask for additional information to be sent to AIA, conduct telephone interviews with those involved and possibly undertake a visit to the location of the alleged incident.

3.7 OUTCOMES

On completion of the investigation the Head of Membership Services will compile a full report detailing;

- the origin of the incident and how it was discovered;
- the process of investigation including participants; the process of the investigation; details of the evidence gathered and how it was obtained; the conclusions drawn and any recommendations made;
- if the incident gave rise to a potential or adverse effect the report will contain details of the effect and the action taken by the Head of Membership Services to either prevent or mitigate and correct the effect.

The report will then be forwarded to the Qualifications Committee for review at the next scheduled meeting.

AIA's Responsible Officer will inform Ofqual of the outcome/decision made by the Qualification Committee and this will also be documented.

The Qualifications Committee will establish that correct procedures have been followed in the investigation of the case, and that the candidate involved has been given the opportunity to make a written statement.

If satisfied, the Committee will then seek to determine;

- whether the exam regulations have been broken;
- where the culpability lies for the breach of regulations.

The Committee will then determine;

- the appropriate measures to be taken to protect the integrity of the exam and to prevent future breaches and,
- the nature of any sanction or penalty to be applied in line with the regulations on the offences and range of penalties which may be applied to Exam Candidate.

The Committee will consider and judge each case in the light of all information available.

When making a decision in a case the Committee will;

- identify the regulation of specification requirement which it is alleged has been broken;
- establish the facts of the case. Where there are conflicting statements the decision as to whether or not there has been malpractice is made by reference to the facts as disclosed by the papers, independent of any decision on sanctions;
- decide whether the facts as so established actually breach the regulations or specification requirements;
- if a breach of regulations has occurred, establish who is responsible for this;
- determine an appropriate level of sanction or penalty in line with the regulations on offences and range of penalties applied to Exam Candidate.
- The Committee must be satisfied from the evidence before it that on the balance of probabilities, i.e. that it is more likely than not, the alleged malpractice occurred.

In situations where a case is deferred because the Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and with the candidate against whom the allegation has been made. The report is then forwarded to the Qualifications Committee for review at the next scheduled meeting. The Committee will then advise an appropriate course of action.

The Committee's recommendations are recorded in a report prepared by the Secretary to the Qualifications Committee and relayed to all parties within ten working days of the Committee issuing its decision.

3.8 SANCTIONS

The offences and ranges of penalties which should be applied to exam candidates are in line with the regulations.

The Qualifications Committee will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions and penalties are appropriate for every type of circumstance.

The Committee can impose sanctions and penalties on candidates responsible for malpractice in order to;

- minimise the risk to the integrity of exams and assessments both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaking the regulations;
- deter others from doing likewise.

The Committee will normally impose sanctions and penalties to individuals found guilty of malpractice. When considering the action to be taken, the Committee will balance responsibilities towards the rest of the cohort and the students/candidates caught up in the malpractice incident.

The Committee has agreed that sanctions and penalties will be chosen from a defined range in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction or penalty for a particular offence is set out below. The Committee reserves the right to apply sanctions and penalties outside of the defined ranges if particular mitigating or aggravating circumstances are found to exist.

The Committee will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice and the type of qualification involved. Not all sanctions and penalties are appropriate for every type of qualification or circumstance.

The Committee, at their discretion, may impose the following sanctions against candidates. Penalties may be applied individually or in combination.

1. Warning

The candidate is issued with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

2. Loss of all marks for a paper

The candidate loses all the marks gained for the paper. The option is penalty 2. This penalty usually allows the candidate to continue to sit future exam papers.

3. Disqualification from a paper

The candidate is disqualified from the paper. The option is penalty 3. The effect of this penalty is to prevent the candidate from sitting an exam paper at the next consecutive exam session.

4. Disqualification from one or more exam papers

If circumstances suggest, penalty 4 may be applied to other papers taken during the same exam session. The option is penalty 4.

5. Disqualification from a whole qualification

The candidate is disqualified from the whole qualification taken in that series or academic year. Any papers from a previous exam sessions are retained, but the papers taken in the present series and the aggregation opportunity are lost. The option is penalty 5.

6. Candidate debarral

The candidate is barred from entering for one or more examinations for a set period of time. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

Unless a penalty is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification, may retake papers affected in the next available exam session.

4.0 INDEPENDENT CONTRACTORS

4.1 IDENTIFYING MALPRACTICE AND MALADMINISTRATION

Any incident involving an independent contractor that occurs during the administration of the AIA assessment or monitoring process and consequently jeopardises the integrity and validity of the AIA qualification is regarded as malpractice.

Incidents of malpractice or maladministration may be identified during;

- internal compliance monitoring;
- the operation of AIA's Risk Management processes;
- receipt of feedback or intelligence from stakeholders, third parties or regulators;
- whistleblowing;
- information uncovered during another investigation.

4.2 EXAMPLES OF MALPRACTICE

Examples of independent contractor malpractice are:

- loss of or damage to reports or exam scripts or other documents or records;
- failure to return scripts or reports to AIA;
- providing inaccurate or misleading information on AIA qualifications;
- providing confidential information regarding exams or practice reviews to unauthorised persons.

4.3 EXAMPLES OF MALADMINISTRATION

The corruption of information in reports or exam scripts, for example, the alteration of any report or exam script before presenting it to AIA as an original, inventing information, inventing or changing marks or assessment grades.

4.4 PREVENTION

AIA undertakes the following actions to prevent or at the very least, minimise the likelihood of malpractice occurring;

- provides information to all third parties to help them understand their responsibilities in this respect;
- issues written agreements and contracts to third parties which incorporate declarations of confidentiality and a clear definition of responsibility regarding the identification and reporting of potential incidents of malpractice or maladministration;
- has in place a customer service charter which is monitored monthly at a departmental level.

4.5 REPORTING

4.5.1 A BREACH IN CONTRACTUAL COMMITMENTS

The Chief Examiner is required to report directly to the Chief Executive if any suspected incidents of malpractice are noted in respect of the conduct of an Examiner. The Chief Executive will then direct the Head of Membership Services to carry out an investigation. The Exam department will be required to contact the examiner to request an explanation in respect of the suspected malpractice. A report will be presented to the AIA Exam Department which will be reviewed by the Chief Examiner and the Qualifications Committee who will make a decision on the action to be taken.

4.5.2 A BREACH OF THE AIA REGULATIONS IN RESPECT OF THE ACTIONS OF STUDENTS

It is the responsibility of the Examiner to report all aspects of malpractice that may come to light while carrying out his role to the Chief Examiner who would report to the Chief Executive prior to reporting to the Qualifications Committee.

The Qualifications Committee will decide whether the incident in question constitutes malpractice and recommend an appropriate course of action.

4.6 INVESTIGATING

4.6.1 ESTABLISH THE DETAILS

Prior to the commencement of any investigation the Head of Membership Services and Qualifications Manager must establish and document all details available pertaining to the reported incident. These details must include the following information;

- what occurred and where;
- who was involved;
- the timings/sequence of events;
- actions already taken;
- whether an investigation is required and on what scale.

4.6.2 CREATE A STRATEGY

Each investigation will be tailored to the reported incident; however, all investigations include the following mandatory elements;

- all members of any investigative team/committee appointed must be fully briefed;
- all telephone conversations must be noted and a record of the contents filed;
- a paper copy of all notes pertaining to the investigation must be created;
- all information must be securely stored.

4.7 OUTCOMES

When a case of malpractice is reported to AIA further investigation may be carried out by the Head of Membership Services and if necessary steps to prevent any adverse effect arising from the incident will be taken. If an adverse effect has already occurred the Manager will take steps to mitigate and correct it in compliance with Ofqual requirements.

On completion of any investigation the Head of Membership Services will compile a full report which is forwarded to the Qualifications Committee.

If the incident gave rise to a potential or actual adverse effect the report will contain details of the effect and the action taken by the Manager to either prevent or mitigate and correct it. Any reports made to external bodies such as Ofqual and the outcomes of such will also be documented.

The Qualifications Committee will review the report and advise an appropriate course of action.

The Committee's recommendations are recorded in a report prepared by the Head of Membership Services and relayed to all parties within ten working days of the Committee issuing its decision.

4.8 SANCTIONS

Due to the serious nature of any malpractice or maladministration by independent contractor the sanction imposed would be severe.

In the event that the Qualifications Committee finds that an incident of malpractice has taken place, links with the independent contractor will be terminated immediately. AIA's Chief Executive will issue a letter notifying the independent contractor of this action within three days of the decision being made by the Qualifications Committee.

5.0 INITIAL PROFESSIONAL DEVELOPMENT

Prior to becoming an AIA qualified accountant AIA students are required to pass the AIA Professional Exams and complete three years relevant, supervised work experience.

The work experience or Initial Professional Development (IPD) element of the AIA pre-qualification program is designed to help recognise, develop and record the professional skills and competencies students acquire through their work based experience.

AIA's IPD Requirements have been established within the framework of guidelines issued by the International Federation of Accountants (IFAC) and provide sound foundations for the continued professional development programme of lifelong learning, essential for every professional accountant.

Any incident involving a student, supervisor or employer which occurs during the administration of the AIA IPD assessment or monitoring process and consequently jeopardises the integrity and validity of the AIA qualification is regarded as malpractice, for example, where a student, supervisor or employer has knowingly provided incorrect or misleading information in relation to IPD requirements.

Due to the broad base location of AIA students it is not possible for the AIA to directly monitor the work experience of students at their place of work. It is the responsibility of the supervisor to ensure the student receives the relevant training and to oversee and certify the training.

If a student believes that their employer or supervisor is not fulfilling their obligation to provide previously agreed IPD they should inform AIA in writing as soon as possible, detailing the reason for their dissatisfaction.

AIA will not undertake an official investigation or engage in any disciplinary process as the supervisor and employer have no contractual obligation to provide IPD support and training; however, each case will be assessed on an individual basis and if appropriate, AIA will advise the student of the best way to proceed in order to minimise the disruption to their IPD training.

In the event that the supervisor believes that the student has not completed the relevant work experience as stated by the student on the form, the supervisor will be required to provide the AIA with a report stating which areas have not been covered.

The Head of Compliance & Regulations will undertake an initial review of this report and if deemed necessary will forward the report to the Qualifications Committee for assessment. If it is then decided that the student has breached AIA regulations and therefore engaged in malpractice, the student will be advised accordingly and notified of any sanctions imposed. In extreme cases of malpractice, the student may be removed from AIA's student register.

AIA does not address any incidents pertaining to workplace or employer disputes or disciplinary action.

5.1 SANCTIONS

In the event that a student has breached AIA regulations when completing the IPD record which is deemed as an incident of malpractice, the student will be advised accordingly and notified of any sanctions to be imposed. In extreme cases, the Qualification Committee may request that student be removed from AIA's student register.

6.0 APPEALS

If a person or institution wishes to appeal against a decision and subsequent sanctions they must write to the Head of Compliance & Regulation within thirty days of receipt of written notification of the Qualifications Committee decision. The Head will then arrange for an independent reviewer to assess the case.

7.0 MONITORING

Reports of malpractice, maladministration and any complaints are reported during every SOT meeting and the progress of any investigation and updates regarding the investigative process and eventual outcomes and actions continue to be regularly reported until the matter is concluded.

If necessary, changes will be made to existing procedures to enhance their effectiveness and to maintain compliance with Ofqual's General Conditions of Recognition.

8.0 AIA WHISTLE BLOWING POLICY

Should any suspected cases of malpractice or maladministration be identified and anonymously reported AIA secretariat will proceed as stated in its Whistle Blowing Policy.

9.0 INTERNAL MALADMINISTRATION

Any internal administrative errors occurring during the design, development and delivery of AIA qualifications that have the potential to create an adverse effect are dealt with in line with AIA Maladministration procedures.

AIA has suite of policies and procedures relating to its administrative processes that are regularly reviewed and updated. Staff are fully trained and aware of the correct processes to follow. In the event that a maladministration issue is identified the relevant Senior Officer will immediately implement all the necessary steps to prevent any adverse effect arising and will notify the Responsible Officer.

If an adverse effect has already occurred the Senior Officer will take steps to mitigate and correct it in compliance with Ofqual requirements.

On completion of the investigation the Senior Officer will compile a full report which is forwarded to the Responsible Officer and the Compliance Executive. This is then reported, if applicable, to the appropriate committee and Council.