



Malpractice/Maladministration Policy

2023-2024

Malpractice/Maladministration

This policy sets out to define the procedures to be followed in the event of any dispute or allegation against staff/candidates in the assessment of internally marked qualifications and also regarding examinations invigilated by staff at the centre and marked externally.

The head of centre is responsible for ensuring that all suspected malpractice/maladministration is thoroughly investigated to protect the integrity of the centre and the qualifications. This process may be delegated to a member of the senior leadership team and supported by the data and exams officer.

Staff Malpractice/Maladministration

Definitions of Malpractice

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by staff with regards to portfolio-based qualifications.

- Tampering with candidates' work prior to external moderation/verification
- Assisting candidates with the production of work outside of the awarding body guidance, where the support has the potential to influence the outcomes of assessment
- Fabricating assessment and/or internal verification records or authentication statements
- Failure to keep candidate coursework/portfolios of evidence secure
- Fraudulent claims for certificates
- Falsifying records/certificates, for example by alteration, substitution, or by fraud

If work is submitted for moderation/verification or for marking which is not the candidate's own work, the awarding body may not be able to give that candidate a result.

The following are examples of malpractice by staff with regard to examinations. • Assisting

candidates with exam questions outside of the awarding body guidance • Allowing

candidates to talk, use a mobile phone or go to the toilet unsupervised • Tampering with

scripts prior to external marking taking place

- Facilitating or allowing impersonation
- Misusing the conditions for special learner requirements, for example where learners are permitted support, such as a scribe, assistance is permissible up to the point where the support has the potential to influence the outcome of the assessment

This list is not exhaustive and other instances of malpractice may be considered by the centre at its discretion.

Definitions of Maladministration

The following are examples of maladministration by staff:

- Failing to ensure that candidates' controlled assessment, coursework, non examination assessment or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised
- Failure, on the part of the head of centre, to adhere to awarding body specification requirements in the delivery of non-examination assessments, Endorsements and other projects required as part of a qualification.
- Failure to adhere to awarding body key dates and deadlines relating to the delivery of examinations and assessments (such as those relating to the return of scripts, reporting of internal assessment marks/grades, making entries/claims, and Head of Centre declarations)
- Failure to use the correct tasks/assignments for assessments
- Failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with the JCQ documents
- Failure to invigilate examinations in accordance with the JCQ document Instructions for conducting examinations
- Failure to have on file for inspection purposes appropriate evidence, as per the JCQ document Access Arrangements and Reasonable Adjustments, to substantiate approved access arrangements processed electronically using the Access arrangements online system
- Granting access arrangements to candidates who do not meet the requirements of the JCQ document Access Arrangements and Reasonable Adjustments
- Granting access arrangements to candidates where prior approval has not been obtained from the access arrangements online system or, in the case of a more complex arrangement, from an awarding body

This list is not exhaustive and other instances of maladministration may be considered

Staff Malpractice/Maladministration Procedure

The head of centre is responsible for the identification and designation of a member of staff to conduct the investigation into any suspected malpractice/maladministration. The designated member of staff must ensure the initial investigation is carried out promptly in accordance with the JCQ or awarding bodies specific regulations. Support will be given by the HR function if required. The investigation will involve establishing the full facts and circumstances of any alleged malpractice/maladministration and will follow the trust disciplinary procedures. It should not be assumed that because an allegation has been made, it is true. Where appropriate, the staff member concerned and any potential witnesses will be interviewed and their version of events recorded on paper.

The member of staff will be:

- informed in writing of the allegation made against him or her
- informed what evidence there is to support the allegation
- informed of the possible consequences, should the allegation be proven
- given the opportunity to consider their response to the allegations • given the opportunity to submit a written statement
- given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- informed of the applicable appeals procedure, should a decision be made against him/her
- informed of the possibility that information relating to a serious case of malpractice will be shared with the relevant awarding body and may be shared with other awarding bodies, the regulators Ofqual, the police and/or professional bodies

Staff Malpractice/Maladministration Sanctions

Where a member of staff is found guilty of malpractice/maladministration, the head of centre/trust may impose the following sanctions or other sanctions detailed in the disciplinary policy:

- Written warning: Issue the member of staff with a written warning stating that if the offence is repeated within a set period of time, further specified sanctions will be applied
- Training: Require the member of staff, as a condition of future involvement in both internal and external assessments to undertake specific training or mentoring, within a particular period of time, including a review process at the end of the training
- Special conditions: Impose special conditions on the future involvement in assessments by the member of staff
- Suspension: Bar the member of staff in all involvement in the administration of assessments for a set period of time
- Dismissal: Should the degree of malpractice be deemed gross professional misconduct, the member of staff could face dismissal from his/her post

Appeals

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in line with the Appeals Policy.

Candidate Malpractice

Definitions of Malpractice

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by candidates with regards to portfolio-based qualifications:

- Plagiarism: the copying and passing off as the candidate's own work, the whole or part of another person's work
- Collusion: working collaboratively with other learners to produce work that is submitted as the candidate's own
- Failing to abide by the instructions of an assessor – This may refer to the use of resources which the candidate have been specifically told not to use
- The fabrication/alteration of any results or evidence documentation •

Deliberate destruction of another candidate's work

- False declaration of authenticity in relation to the contents of a portfolio or coursework

If a teacher suspects a candidate of malpractice, the candidate will be informed and the allegations will be explained. The candidate will have the opportunity to give their side of the story before any final decision is made. If the candidate accepts that malpractice has occurred, he/she may be given the opportunity to repeat the assignment. If found guilty of malpractice following an investigation, the teacher may decide to re-mark previous assignments and these could also be rejected if similar concerns are identified.

The following are examples of malpractice by candidates with regards to examinations. •

Talking during an examination

- Taking a mobile phone into an examination
- Taking any item other than those accepted by the awarding body into the examination, such as a book or notes
- Leaving the examination room without permission
- Passing notes or papers to, or accepting notes or papers from another candidate
- Impersonation by pretending to be someone else or arranging for another to take one's place in an examination
- Causing disruption in an examination room

This list is not exhaustive and other instances of malpractice may be considered by the centre at its discretion.

Candidate Malpractice Procedure

Any suspected incidents of malpractice during an examination/non-examination assessment/coursework will be reported to the awarding body for consideration and to impose sanction/penalty. The data and exams officer or deep experience lead will be responsible for collating any evidence/statements.

If a candidate is suspected of malpractice, they will be:

- informed in writing of the allegation made against him or her
- informed what evidence there is to support the allegation
- informed of the possible consequences, should malpractice be proven • given the opportunity to consider their response to the allegations • given the opportunity to submit a written statement
- given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- informed of the applicable appeals procedure, should a decision be made against him/her

Appeals

In the event that a malpractice decision is made, which the candidate feels is unfair, the candidate has the right to appeal. Appeals will be conducted in accordance with the awarding body appeals process.

