



Oldbury Wells School

Malpractice and Maladministration (Exams) Policy

April 2021

Review Date:	April 2021
Responsibility:	Headteacher / Deputy Headteacher
APPROVED BY:	Governors – 28 April 2021

Context

Malpractice refers to any deliberate act or practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

The purpose of this policy is to reduce the risk of malpractice and/or maladministration by:

- increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by learners, teachers, trainers, and other staff to reduce risk of breach of regulations through ignorance; to aid detection of any irregularities;
- explaining how learners and staff will be made aware of this policy;
- identifying strategies to be employed to minimise risk of learner malpractice;
- describing how instances of alleged malpractice will be dealt with.

The School will not tolerate actions (or attempted actions) of malpractice by staff or learners. The School is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, the School is fully committed to take appropriate action, including applying punitive measures and reporting suspected malpractice in order to maintain the integrity of assessment and certification.

All staff have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles, in addition staff must also ensure that they abide by the specific assessment requirements for each course as laid down by the awarding organisation for each subject specification.

Examples of Staff Malpractice

This list below is not exhaustive and the School, at its discretion, may consider other instances of malpractice. A more comprehensive list including examples of maladministration is provided in the Appendix of this policy.

- Improper assistance to candidates;
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made;
- Failure to keep candidate coursework/portfolios of evidence secure;
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner;
- Producing falsified witness statements, for example for evidence the learner has not generated;
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own;
- Facilitating and allowing impersonation;
- Misusing the conditions for special learner requirements;
- Falsifying records/certificates, for example by alteration, substitution, or by fraud;

- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment;

Examples of Learner Malpractice

This list below is not exhaustive and the School at its discretion may consider other instances of malpractice.

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- Collusion: working collaboratively with other candidates, beyond what is permitted;
- Copying from another candidate (including the use of ICT to aid the copying);
- Allowing work to be copied e.g., posting written coursework on social networking sites prior to an examination/assessment;
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- Bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios;
- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- Plagiarism: unacknowledged copying from published sources or incomplete referencing;
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- Behaving in a manner so as to undermine the integrity of the examination.

Procedure for dealing with allegations of malpractice

1. Reporting suspected malpractice

a. Within School

All School staff have a responsibility for reporting any suspected incidences of staff or learner malpractice through the appropriate channels.

In addition, allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to the School via the awarding organisation.

Allegations made by School staff:

- Allegations of suspected staff / learner malpractice to be made to the Head of Centre;

Allegations made by learners:

All School staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels:

- Allegations of suspected staff malpractice and/or learner malpractice to be reported to the Head of Centre;

The School will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available.

b. To Awarding Organisations

The School accepts the responsibility to report any suspicion of learner or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice in coursework or controlled assessment which is discovered prior to the learner signing the declaration of authentication. In these cases, the incident need not be reported to awarding bodies, but will be dealt with in accordance with the School's disciplinary procedures. Any work which is not the learner's own will not be given credit; in addition, a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice, the school will submit the fullest details of the case at the earliest opportunity to the relevant awarding body as per Joint Council of Qualification regulations.

2. Investigation of suspected malpractice

If assessment malpractice is suspected by **School staff** there will be a process of investigation, usually commissioned by the Head of Centre, to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of the School's Staff Disciplinary Policy and Procedure given the potential seriousness of the matter. Reference to the most recent [JCQ Suspected Malpractice Policies and Procedures](#) document will also be made.

The Head of Centre will usually nominate an investigating officer. In order to avoid conflicts of interest, investigations into suspected malpractice should not normally be delegated to the manager of the section, team or department involved in the suspected malpractice.

Any disciplinary investigation will proceed as described in the Staff Disciplinary Policy and Procedure and include provision for:

- The member of staff to be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The member of staff to be accompanied at any subsequent investigation meeting;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;
- A decision to be made on whether or not to proceed to a formal disciplinary hearing;
- If necessary, a formal hearing with a right of representation.

Possible Actions Taken by the School

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by the School of the allegation of malpractice and they will be given the supporting evidence;
- The School will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal.

In any instances where suspected malpractice will be reported to awarding bodies the School will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of **learner assessment malpractice** will be investigated in a similar manner by the Head. As with staff malpractice potential conflicts of interest will be avoided by nomination of an investigating officer who is external to the management of the learner and/or particular curriculum area.

Investigations will proceed through the following stages:

1. The learner will be informed about the issues, possible consequences and right of appeal;
2. Collection of evidence related to the alleged malpractice;
3. The review of evidence and production of a report;
4. A formal meeting between the Head of Centre and the learner against whom an allegation has been made.

Possible Actions Taken by the School

In cases where it is believed that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by the School of the allegation of malpractice and they will be given the supporting evidence;
- In any instances where suspected malpractice will be reported to awarding bodies the School will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Appendix

Examples of Malpractice

This more detailed list of examples of malpractice by staff and learners has been drawn from the [JCQ document *Suspected Malpractice in Examinations and Assessments*](#). These lists are not exhaustive and other instances of malpractice may be considered by the School at its discretion. This appendix will be updated annually in line with the newly published JCQ regulations.

Staff Malpractice

Breach of security

Breaking the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents:

It could involve:

- failing to keep examination material secure prior to an examination;
- discussing or otherwise revealing secure information in public, e.g., internet forums;
- moving the time or date of a fixed examination beyond the arrangements permitted by the published regulations of the Joint Council of Qualifications;
- failing to supervise adequately candidates who have been affected by a timetable variation;
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination papers after an exam in cases where the life of the paper extends beyond the particular session. For example, where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts or controlled assessments or coursework after collection and before despatch to the awarding body/examiner/moderator;
- failing to keep student computer files which contain controlled assessments or coursework secure.

Deception

Any act of dishonesty in relation to any examination or assessment, but not limited to:

- inventing or changing marks for internally assessed components (e.g., coursework) where there is no actual evidence of the candidates' achievement to justify the marks being given;
- manufacturing evidence of competence against national standards;
- fabricating assessment and/or internal verification records or authentication statements;
- entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud).

Improper assistance to candidates

Giving assistance beyond that permitted by the specification to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment

For example:

- assisting candidates in the production of controlled assessments or coursework, or evidence of achievement, beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessments or coursework with other candidates in a way which allows malpractice to take place;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in Language Speaking Examinations by means of signs, or verbal or written prompts;
- assisting candidates granted the use of an oral language modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations.

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examination papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc.

For example:

- failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised;
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed by the JCQ regulations;
- failure to use current assignments for assessments;
- failure to train invigilators adequately, leading to non-compliance with JCQ regulations;
- failing to issue to candidates the appropriate notices and warnings;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment in all rooms (including music and art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to awarding body requirements;
- the introduction of unauthorised material into the examination room, either during or prior to the examination;
- failing to ensure that mobile phones are placed outside the examination room and failing to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting;
- failure to invigilate in accordance with the JCQ publication Instructions for conducting examinations;
- failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements;

- failure to keep accurate and up to date records in respect of access arrangements which have been processed electronically using the Access arrangements online system;
- granting access arrangements to candidates which do not meet the requirements of the JCQ publication Access Arrangements, Reasonable Adjustments and Special Consideration;
- 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;
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or coursework in secure conditions after the authentication statements have been signed;
- failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner;
- failing to despatch candidate scripts / controlled assessments / coursework to the awarding bodies or examiners or moderators in a timely way;
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered;
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body;
- the inappropriate retention or destruction of certificates.

Candidate Malpractice

For example:

- the alteration or falsification of any results document, including certificates;
- a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with other candidates, beyond what is permitted;
- copying from another candidate (including the use of ICT to aid the copying); allowing work to be copied e.g., posting written coursework on social networking sites prior to an examination/assessment; the deliberate destruction of another candidate's work;
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g., exemplar materials);
- being in possession of confidential material in advance of the examination;

- bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- the inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios;
- impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- plagiarism: unacknowledged copying from published sources or incomplete referencing;
- theft of another candidate's work;
- bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- the unauthorised use of a memory stick where a candidate uses a word processor;
- behaving in a manner so as to undermine the integrity of the examination.