

Malpractice Policy

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Introduction

WM College has an obligation to its learners, employers, awarding organisations (AOs) and partner organisations to ensure that the qualifications its learners receive are a fair and accurate representation of their work, and of the knowledge and skills that they have attained.

The document details the policies and procedures agreed by the JCQ awarding bodies for dealing with breach of security and malpractice investigations relating to candidates, centre staff and centres. The JCQ awarding bodies have separate procedures for investigating concerns relating to the conduct of examiners, moderators and awarding body staff.

The purpose of this policy is to ensure that the integrity of accredited qualifications is maintained and to outline the steps the college will take where instances of malpractice and/or maladministration, by learners or staff, may be identified.

Where an AO's malpractice or maladministration policy has additional or different requirements to those stated below, WM College will follow the requirements set out in the AO's policy. *Links to individual AO Malpractice and Maladministration policies can be found in Appendix A at the end of this document.*

Definitions

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. It means any act, default or practice which is:

- a breach of the Regulations; and/or
- a breach of awarding body requirements regarding how a qualification should be delivered; and/or
- a failure to follow established procedures in relation to a qualification;

which:

- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

Malpractice by Learners

'Candidate malpractice' means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper.

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;
- the unauthorised use of alternative electronic devices or technology during remote assessment and remote invigilation;

- accessing the internet, online materials or AI tools during remote assessment and remote invigilation, where this is not permitted;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with others, beyond what is permitted;
- copying from another candidate (including the use of technology to aid the copying);
- allowing work to be copied, e.g. posting work 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);
- failing to report to the centre or awarding body the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information online;
- exchanging, obtaining, receiving, passing on information (or the attempt to) which could be assessment related by means of talking, electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio; including failing to acknowledge use of AI tools when they have been used as a source of information. Incomplete or poor acknowledgement of AI tools and Submitting work with intentionally incomplete or misleading references or bibliographies.
- allowing others to assist in the production of controlled assessments, coursework, non-examination assessments, examination responses or assisting others in the production of controlled assessments, coursework, non-examination assessments or examination responses;
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials);
- misuse of AI as defined in the JCQ Suspected Malpractice
- being in possession of unauthorised confidential information about an examination or assessment;
- 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 offensive comments, obscenities or drawings; discriminatory language, remarks or drawings directed at an individual or group in scripts, controlled assessments, coursework, non-examination assessments or portfolios;
- personation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- plagiarism: unacknowledged copying from, or reproduction of, third party sources or incomplete referencing (including the internet and artificial intelligence (AI) tools);
- theft of another candidate's work;
- being in possession (whether used or not) of unauthorised material during an examination or assessment, for example: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), watches, instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, AirPods, MP3/4 players, pagers, or other similar electronic devices;
- the unauthorised use of a memory stick or similar device where a candidate uses a word processor;
- facilitating malpractice on the part of other candidates;
- behaving in a manner so as to undermine the integrity of the examination.

Malpractice by College Staff

'Centre staff malpractice' means malpractice committed by:

- a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or
- an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe.

Examples include:

- Failure to adhere to the relevant AO regulations and procedures, including those relating to college approval, internal or external verification, or any other programme delivery requirements as set out by AOs.
- Knowingly allowing an individual to impersonate a student.
- Allowing a student to copy another student's assignment work, or allowing a student to let their own work be copied.
- Allowing students to work collaboratively during an assignment assessment, unless specified in the assignment brief.
- Completing an assessed assignment for a student or providing them with assistance beyond that 'normally' expected.
- Failing to keep examination or assessment material secure prior to an examination.
- Discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g. internet forums.

Maladministration

Maladministration is defined as any activity or practice which results in non-compliance with an awarding body's administrative regulations and requirements including the application of persistent mistakes or poor administration. This could include (but is not limited to) the following:

- Failure to adhere to learner registration and certification procedures, as outlined by AOs
- Continual failure to adhere to college recognition/qualification requirements
- Continual late learner registration.
- Inaccurate claims for certification.
- Failure to maintain appropriate auditable records – e.g. certificate claim and/or forgery of evidence.
- Withholding or delaying of information by deliberate acts or omission required by awarding organisation.
- Inappropriate administration arrangements and/or records.

Identification and Reporting of Malpractice or Maladministration

The head of centre must:

- notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate (see paragraph 4.5). If staff malpractice is discovered in coursework or non-examination assessments, the

head of centre must inform the awarding body immediately, regardless of whether the authentication forms have been signed by the candidate(s);

- report malpractice using the appropriate JCQ or awarding organisation forms (dependant on the individual awarding organisations policy) available on their respective websites.
- be accountable for ensuring that the centre and centre staff comply at all times with the awarding body's instructions regarding an investigation;
- ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation;
- ensure that if it is necessary to delegate the gathering of information to a senior member of centre staff, the awarding body's agreement is obtained and the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The head of centre should ensure there is no conflict of interest (see below) which might compromise the investigation
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- make information requested by an awarding body available speedily and openly;
- co-operate with an enquiry into an allegation of malpractice and ensure that their staff do so also, whether the centre is directly involved in the case or not;
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in this document;
- forward any awarding body correspondence and evidence to centre staff and/or provide staff contact information to enable the awarding body to do so;
- at all times comply with data protection law;
- pass on to the individuals concerned any warnings or notifications of sanctions and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

Suspected Malpractice or Maladministration

All allegations of malpractice or maladministration will be investigated. The college regards all allegations and suspicions of malpractice or maladministration as potentially serious issues, and as such all must be investigated and recorded formally, no matter how trivial they may at first appear. The nature of the investigation, and of the actions taken if malpractice or maladministration is proven, will be commensurate with the nature and the gravity of the malpractice or maladministration. Where this involves staff, senior management and HR will be involved in any disciplinary proceedings. Where this involves learners, senior curriculum staff will be involved in any disciplinary proceedings.

Initial Steps and Overview

This below process applies to teachers, tutors, invigilators students and other College staff, and to any reporting of malpractice by a third party or individual who wishes to remain anonymous.

1. Any case of suspected malpractice should be reported in the first instance to the **Director of Learning** for the area of learning concerned.¹

¹ Where the case of suspected malpractice may involve the Director of Learning, the Deputy Principal should be informed in their place

2. The Director of Learning (or the Exams Officer, if delegated the duty and as the first point of contact for AOs) **will immediately report to the AO suspected malpractice or maladministration**
3. An incident report or written report of any suspected malpractice or maladministration will be submitted by either the Director of Learning or main contact **within two (2) working days, to the AO concerned** (see next section Investigating an allegation of malpractice or administration)[±]
4. The College will take all necessary steps as directed by the Awarding Organisation and comply fully with the investigative measures outlined by the AO.

Investigating an Allegation of Malpractice or Maladministration

The Director of Learning (or persons delegated the task of investigating an allegation of malpractice) will organise an investigation into the alleged malpractice and then submit a report to the Awarding Organisation.

The College will ensure that there is not a conflict of interest between the person conducting the investigation and the individual(s) accused of malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

The investigation will determine:

- who was involved in the incident, including candidates, members of staff and/or invigilators; the facts of the case, as established from evidence and/or statements from those involved.

The report submitted to the awarding body will include:

- a clear account, as detailed as necessary, of the circumstances;
- details of the investigations carried out by the college;
- written statements from any teachers, invigilators or other members of staff concerned, which must be signed and dated;
- written statements from the candidates concerned, which must be signed and dated;
- any other evidence relevant to the allegation.

Where appropriate:

- information about how the college makes candidates aware of the awarding bodies' regulations;
- seating plans;
- unauthorised material found in any examination rooms;
- photographic evidence of any material written on hands/clothing etc. suspected of being used in an exam;
- any candidate work/associated material which is relevant to the investigation;
- any evidence that substantiates alleged plagiarism
- any evidence of staff collusion or neglect of duty
- any other relevant evidence.

Individuals accused of malpractice will be made fully aware at the earliest opportunity of the nature of the allegation in writing, and the possible consequences should malpractice be proven. They will also be given the opportunity to respond to the allegation made against them.

Outcomes and Actions

Once an investigation has been completed, the college will await instructions from the Awarding Organisation and communicate any findings to the person(s) under investigation on behalf of the AO.

Where staff are concerned, the college may wish to implement disciplinary proceedings in line with its staff Disciplinary Policy, depending on the nature and the gravity of the proven malpractice. HR, senior management and line managers of those involved will do so at their discretion, once all investigative measures are completed and the facts of the case established proper.

In the case of learner malpractice, the college may wish to implement measures of its own using its own policies for dealing with learner breaches of its Code of Conduct. Senior Curriculum staff and the Deputy Principal will execute these at their discretion.

Awarding Body Sanctions

When determining the appropriate sanction which should be applied to an individual, the awarding body will consider whether the integrity of its qualifications might be at risk if an individual found to have committed malpractice were to be involved in the future conduct, supervision or administration of the awarding body's examinations or assessments.

In determining the appropriate sanction, the awarding body will consider factors including:

- the potential risk to the integrity of the examination or assessment;
- the potential adverse impact on candidates;
- the number of candidates and/or centres affected; and
- the potential risk to those relying on the qualification (e.g. employers or members of the public).

The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

Individuals may be subject to one or more sanctions.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of malpractice, this may be taken into consideration when determining whether a more severe sanction should be applied.

The Awarding Organisation Malpractice Committee will determine:

- whether correct procedures were followed;
- whether malpractice as defined in this document (see section 1) has occurred;
- the regulation or specification requirement which it is alleged has been broken;
- the facts of the case based on the evidence presented to them;
- whether the facts as so established actually breach the regulations or specification requirements;
- where the culpability lies for the malpractice.

If the Malpractice Committee determines that malpractice has occurred, it will then seek to determine the appropriate sanction(s) to be applied to protect the integrity of the examination or assessment and to prevent future breaches.

All sanctions resulting from cases of malpractice are subject to appeal. Please see section 12 and the JCQ document A guide to the awarding bodies' appeal processes for further information:

<http://www.jcq.org.uk/exams-office/appeals>

List of Possible Awarding Body Sanctions for Centres, Individual Staff and Candidates.

Centres

Awarding bodies may, at their discretion, impose the following sanctions against centres:

- Written warning
- Review and report procedures/action plans, where the head of centre will additionally be required to report back to the awarding body on improvements implemented by a set date.
- Seeking Awarding body Approval of specific assessment tasks
- Additional monitoring or inspection
- Removal of direct claims
- Restrictions on examination and assessment materials. This can include Awarding Organisation Supervision for the opening and collection of exam scripts.
- Independent invigilators (at the centre's expense)
- Suspension of candidate registrations or entries
- Withdrawal of approval for a specific qualification(s)
- Withdrawal of centre recognition/approval

Individual Staff

Where a member of staff or contractor has been found guilty of malpractice, an awarding body may impose one or more of the following sanctions:

- Written warning
- Arrange more Training
- Impose Special conditions regarding future involvement in the delivery of exams and/or assessments for example additional supervision in exam situations
- Suspension/debarment

These sanctions will be notified to the head of centre who must ensure that they are communicated to the individual(s) upon whom they have been imposed and that the sanctions are adhered to.

Candidates:

Awarding bodies may, at their discretion, impose the following sanctions against candidates:

- Formal warning
- Loss of all marks for a section
- Loss of all marks for a component
- Loss of all marks for a unit
- Disqualification from a unit
- Disqualification from all units in one or more qualifications
- Disqualification from a whole qualification
- Disqualification from all qualifications taken in that series
- Candidate debarment

List of Links to Individual Awarding Organisation Malpractice and Maladministration Policies

UAL :

(Foundation Diploma in Art and Design)

[Policies and procedures | UAL \(arts.ac.uk\)](#)

Pearson Edexcel:

(Functional Skills Maths and English, GCSE Maths and English, Essential Digital Skills)

[Malpractice and plagiarism | Pearson qualifications](#)

Ascentis:

(ESOL)

[Learners | Ascentis | Ascentis](#)

OCNLR:

(Creative Arts and Digital Industries, Business Administration, Personal Confidence)

[malpracticeandmaladministrationpolicy.pdf \(amazonaws.com\)](#)

BCS:

(IT User Skills Level 3)

[Malpractice and Maladministration Policy \(bcs.org\)](#)

NCFE:

(Creative Craft, Education and Training, Managing Your Money, Creative Media, Performance Skills, Photography)

[Mandatory policies - End-point Assessment | NCFE | NCFE](#)

AAT:

(Accounting Level 3, Bookkeeping)

JCQ Policy applies as per this document