



# Exams

## Malpractice and Maladministration Policy

### 2021-2022

*Office Use*

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## **1. Centres & Associated Third Party Responsibility**

It is important that anyone involved in the management, assessment and quality assurance of all qualifications, and learners are fully aware of the contents of this policy and that arrangements are in place to prevent and investigate instances of malpractice and maladministration.

**It is staff's responsibility to acquaint themselves with the appropriate regulations governing assessments they are conducting and to seek advice from their Faculty Leaders, Curriculum co-ordinators and the Exams Officer if anything is unclear**

## **2. Malpractice <sup>1</sup>**

Malpractice refers to any deliberate act neglect, default or practice which compromises, or threatens to compromise:

- The assessment process and integrity of assessment or regulated qualification
- The validity of the result or certificate awarded.
- The reputation and credibility of AQA, OCR, Edexcel/Pearson, WJEC/Eduqas, ASDAN or any other awarding organisation the Academy is registered with
- The qualification or the wider qualifications community

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

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain learners/groups of learners.

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 Elizabethan Academy will not tolerate actions (or attempted actions) of malpractice by staff or learners. The Academy is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, the school is fully committed to taking appropriate action, including applying punitive measure 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/qualification as laid down by the awarding organisation for each subject specification.

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<sup>1</sup> JCQ Malpractice documents and information <http://www.jcq.org.uk/exams-office/malpractice>

### **3. Assessment Malpractice**

Malpractice during an assessment includes:

- Taking someone else's work, images or ideas and passing it off as your own eg using the internet to cut and paste material from a website, or by taking another students work that has been emailed to you. This is called **plagiarism**;
- **Cheating**, this is acting unfairly or dishonestly to gain an advantage;
- Agreeing with others to cheat or deceive eg by allowing other students to copy your work. This is known as **collusion**;
- Failing to follow the instructions given by staff conducting examinations and controlled assessments;

Some examples of malpractice and maladministration taken from the JCQ's documentation can be found below, more comprehensive examples can be found in the JCQ publication, *Suspected Malpractice in Examinations and Assessments 2*

### **4. Examples of Staff Malpractice**

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

- Improper assistance to candidates;
- Inventing or changing marks for internally assessed work (non-examination assessment, 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/non-examination assessment, portfolios of evidence secure;
- Assisting students in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where assistance involves producing work for the student;
- Producing falsified witness statements, for example for evidence the student has not generated;
- Allowing evidence to be included for assessment which is known by the staff member not to be the student's own;
- Facilitating and allowing impersonation;
- Misusing the conditions for special student requirements;
- Falsifying records/certificates, for example by alteration, substitution, or by fraud;
- Fraudulent certificate claims, that is claiming for a certificate prior to the student completing all the requirements of assessment;

## **5. Examples of Maladministration** <sup>3</sup>

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

- Failing to ensure that candidate's coursework, non-examination assessment or work to be completed under controlled conditions is adequately monitored and supervised
- Failing to conduct examinations in accordance with JCQ's *Instructions for conducting examinations*,
- Failing to retain candidates controlled assessments, non-examination assessments or coursework in secure conditions after the authentication statements have been signed or the work has been marked
- Failure to notify the awarding organisation of an instance of suspected malpractice as soon as possible
- Failing to maintain the security of candidates' scripts prior to despatch to the awarding organisation or examiner

## **6. Examples of Student Maladministration** <sup>3</sup>

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

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding organisation 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 eg 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, non-examination assessments, coursework or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessments, non-examination 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, non-examination assessments, coursework or portfolios;

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<sup>3</sup> JCQ Suspected Malpractice in Examinations and Assessments <http://www.jcq.org.uk/exams-office/malpractice>

- 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 or dictionaries (when prohibited) any watches, instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, iPads, iWatches, Smart watches, mobile phones, MP3 players, pagers or other similar electronic devices;
- Behaving in a manner so as to undermine the integrity of the examination.

## **7. Reducing Malpractice**

To reduce the risk of malpractice, the following actions will be taken:

### Informing students

The Academy will communicate the policy on malpractice to students via a student information document titled *A Students Guide to Malpractice*, which will be made available on the Academy website in the Exams information section. This document will be in addition to the *Exam Information Booklet for Students*, which is updated and issued to candidates in the Autumn term each academic year.

The following formal notices provided by the JCQ Information for candidates documents - JCQ Joint Council for Qualifications are also included in the *Exam Information Booklet for Students*:

- Information for candidates – Written examinations
- Information for candidates – Controlled Assessments/Non-Examined Assessments (NEA's)
- Information for candidates – Coursework
- Information for candidates – Onscreen tests
- Information for candidates – Privacy notice
- Information for candidates – Social Media
- JCQ Warning to Candidates
- JCQ Unauthorised Items poster

Curriculum Leaders and Course co-ordinators have responsibility for ensuring that learners are made aware of this policy before undertaking any assessed work which has the potential to contribute to the awarding of a qualification

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## Staff responsibilities

**It is staff's responsibility to acquaint themselves with the appropriate regulations governing assessments they are conducting and to seek advice from their Faculty Leaders, Curriculum co-ordinators and the Exams Officer if anything is unclear.** Faculty Leaders, Curriculum co-ordinators, together with The Senior Leadership Team, have responsibility for implementing assessment practices that reduce the opportunity for malpractice, including for example:

- Periods of supervised sessions during which evidence for assessments is produced by the learner;
- Altering assessment assignments/task/tools on a regular basis;
- Using oral questions with learners for a single assignment/task in a single session for the complete cohort of learners;
- Ensuring access controls which prevent learners from accessing and using other people's works when using networked computers;
- Requiring learners to sign to declare that their work is their own when submitting assessments

## **8 Suspected Malpractice**

The Academy will handle any incidents of suspected malpractice in line with the JCQ's publication **Suspected Malpractice in Examinations and Assessments** <sup>4</sup>

The JCQ document also provides further examples of malpractice and outlines the awarding organisation's investigation, sanctions and appeals procedures.

### **8.1 Reporting Suspected Malpractice**

Malpractice can be reported to a variety of people, either within school or from outside of the school, including the awarding organisations and their examiners.

#### Malpractice reported within school:

All school staff have a responsibility for reporting any suspected incidences of staff or student malpractice through the appropriate channels. Students will be made aware of the procedure for reporting any allegations of suspected malpractice via the *Students Guide to Malpractice*, available via the Academy's website.

#### Allegations made by **school staff**:

Allegations of suspected staff / student malpractice to be made to the Head of Centre

#### Allegations made by **students**:

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;

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<sup>4</sup> JCQ Suspected Malpractice in Examinations and Assessments <http://www.jcq.org.uk/exams-office/malpractice>

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

The Academy 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.

### Reporting to Awarding Organisations:

The Academy accepts the responsibility to report any suspicion of student or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice if discovered prior to the student 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 Academy's disciplinary / student management procedures. Any work which is not the student's own work 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 instance of suspected malpractice the Head of Centre will submit the fullest details of the case at the earliest opportunity to the relevant awarding organisation as per JCQ regulations.

### Malpractice reported by Awarding Organisations:

Suspected malpractice may also be reported to awarding organisations by examiners, moderators, regulators or members of the public. In such cases the Head of Centre may be asked to conduct a full investigation or the awarding organisation may decide to investigate the matter directly.

## **8.2 Investigating Suspected Malpractice**

### Investigating Staff Malpractice

If assessment malpractice is suspected by school **staff** there will be a process of investigation, to establish the full facts and circumstances of any allegations or evidence, such an investigation will usually be under the terms of the Academy's Staff Disciplinary Policy and Procedure given the potential seriousness of the matter.

The Head of Centre will usually nominate an investigating officer. In order to avoid conflicts of interest investigations into suspected malpractice should not 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 circumstance 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.

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

- The appropriate awarding organisation will be informed by the Academy of the allegation of malpractice and they will be given the supporting evidence for their consideration;
- The Academy 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 Academy will provide the individual/s with a completed copy of the form or letter used to notify the awarding organisation of the malpractice.

## Investigating Student Malpractice

Incidences of **student** assessment malpractice will be investigated in a similar manner by the Head of Centre. 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 student and/ or particular curriculum area.

Investigations will proceed through the following stages:

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

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

- The appropriate awarding organisation will be informed by the Academy of the allegation of malpractice and they will be given the supporting evidence for their consideration (see section 9 and appendices 4 & 5 of JCQ Suspected Malpractice Document 18-19 <sup>5</sup> for details about sanctions and penalties which can be applied by the awarding organisation);
- The Academy will take internal disciplinary action in line with the *Academy Behaviour Policy* <sup>6</sup>. This action will be commensurate with the seriousness of the malpractice. The right of appeal against any disciplinary action will be outlined to the student in writing at the time the decision is made.

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

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<sup>5</sup>JCQ Suspected Malpractice in Examinations and Assessments <http://www.jcq.org.uk/exams-office/malpractice>

<sup>6</sup> Elizabethan Academy Behaviour Policy: Academy Policy

## 9 Malpractice Sanctions and Penalties by the Awarding Organisations

On Receipt of notification of suspected malpractice, the awarding organisation will decide how to proceed with the incident. Where malpractice is identified, the awarding organisation will decide on the sanctions and penalties to impose. Please refer to the JCQ *Suspected Malpractice* 7 document for full details of such procedures and processes.

In all cases the final awarding decisions are taken by the awarding organisations. Details of appeals against an awarding organisation's decision can be found in The JCQ Appeals Booklet 8.

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<b>DATE OF REVIEW:</b>	November 2021
<b>SIGNED ON BEHALF OF SENIOR LEADERSHIP TEAM:</b>	
<b>DATE:</b>	2 <sup>nd</sup> December 2021
<b>GOVERNING COMMITTEE:</b>	FGB
<b>SIGNED ON BEHALF OF GOVERNING BODY:</b>	
<b>DATE:</b>	2 <sup>nd</sup> December 2021
<b>DATE OF NEXT REVIEW:</b>	November 2022

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7 JCQ Suspected Malpractice in Examinations and Assessments <http://www.jcq.org.uk/exams-office/malpractice>

8 JCQ Appeals Booklet  
<http://www.jcq.org.uk/exams-office/appeals>