



Exam Malpractice Policy 2020/21

Malpractice

'Malpractice', **which includes maladministration**, means any act, default or practice which is a breach of the Regulations or which:

- 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.

Failure by a centre to investigate allegations of suspected malpractice in accordance with the requirements in this document also constitutes malpractice.

Centre Staff Malpractice

'Centre staff malpractice' means:

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

Candidate Malpractice

'Candidate Malpractice' means:

- Malpractice by a candidate in the course of any examination or assessment, including the preparation and authentication of any controlled assessments or coursework.
- The presentation of any practical work.
- The compilation of portfolios of assessment evidence and the writing of any examination paper.

Instances of malpractice

Instances of malpractice arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- Some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations;

- Some occur as a direct result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted).

The individuals involved in malpractice are also varied. They may be:

- Candidates;
- Teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, the administration or the quality assurance of examinations and assessments;
- Assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- Other third parties, e.g. parents/carers, siblings, friends of the candidate.

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to examinations and assessment need to be investigated. This is to protect the integrity of the qualification and to be fair to the centre and all candidates.

This document details the procedures for investigating and determining allegations of malpractice which in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.

Roles and Responsibilities

Lead Invigilator/Invigilators

- to bring any suspected malpractice to the attention of the Exams Officer.

Exam Officer

- To obtain a statement from the Invigilator/staff who witnessed the malpractice taking place.
- Discuss with the accused what they are suspected of doing and advise them of their rights.
- Allow the accused the opportunity to submit a written statement.
- Liaise the Deputy Head of Curriculum and the Head Teacher.
- Notify the appropriate awarding body at the earliest opportunity all suspicions or actual incidents of malpractice. **The only exception to this is malpractice discovered in controlled assessments or coursework before the authentication forms have been signed by the candidate**
- **Complete Form JCQ/M1** (suspected candidate malpractice) to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>;

- Pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.
- Inform candidates of their individual responsibilities and rights as set out in these guidelines;
- 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;

Head of Centre must

- **Complete Form JCQ/M2A** (suspected malpractice/maladministration involving centre staff) to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>;
- Supervise personally all investigations resulting from an allegation of malpractice;
- Ensure that if it is necessary to delegate an investigation to a member of staff, the member of staff chosen is independent, and not connected to the department involved in the suspected malpractice. This is to avoid conflicts of interest which can otherwise 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;
- Co-operate and ensure their staff co-operate fully with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not;
- Inform staff members of their individual responsibilities and rights as set out in these guidelines;
- Pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

Rights of the accused individuals

When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual whether a candidate or a member of staff, accused of malpractice **must**:

- Be informed (preferably in writing) of the allegation made against him or her;
- Be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedures can be found on the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>;
- Know what evidence there is to support that allegation;

- Know the possible consequences should malpractice be proven;
- Have the opportunity to consider their response to the allegations (if required);
- Have an opportunity to submit a written statement;
- Be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- Be informed of the applicable appeals procedure, 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, the regulators, the Police and/or professional bodies including the Teaching Agency as appropriate.

The Report

After investigating an allegation of malpractice the head of centre **must** submit a full written Report of the case to the relevant awarding body.

The Report should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre;
- Written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- Written statement(s) from the candidate(s);
- Any mitigating factors;
- Information about the centre's procedures for advising candidates of the awarding bodies' regulations;
- Seating plans showing the exact position of candidates in the examination room;
- Unauthorised material found in the examination room;
- Any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.

Form JCQ/M1 or Form JCQ/M2B should be used as the basis of the Report. Reports in letter format will be accepted providing the information given covers the same points as the form.

The awarding body will decide on the basis of the Report and any supporting documentation whether there is evidence of malpractice and therefore a case to answer.

Role of the - Awarding Bodies (Examination Board)

Sanctions and penalties for centre staff malpractice – *individuals*

In cases of centre staff malpractice, the primary role of the awarding body is confined to considering whether the integrity of its examinations and assessments has been placed in jeopardy.

The awarding body will consider whether that integrity might be jeopardised if an individual found to have indulged in malpractice were to be involved in the future conduct, supervision or administration of the awarding body's examinations or assessments.

It is not the role of the awarding body to be involved in any matter affecting the member of staff's or contractor's contractual relationship with his/her employer or engager.

Awarding bodies recognise that employers may take a different view of an allegation to that determined by the awarding body or its Malpractice Committee.

An employer may wish to finalise its decision after the awarding body or its Malpractice Committee has reached its conclusion.

In determining the appropriate sanction or penalty, 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).

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

Written warning

Issue the member of staff with a written warning 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 its examinations and/or assessments, to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.

Special conditions

Impose special conditions on the future involvement in its examinations and/or assessments by the member of staff, whether this involves the internal assessment, the conduct, supervision or administration of its examinations and assessments.

Suspension

Bar the member of staff from all involvement in the delivery or administration of its examinations and assessments for a set period of time. Other awarding bodies and the regulators will be informed when a suspension is imposed.

These sanctions will be notified to the head of centre who will be required to ensure that they are carried out.

If a member of staff moves to another centre while being subject to a sanction, the head of centre should notify the awarding body of the move.

Awarding bodies reserve the right to inform the head of centre to which the staff member is moving to as to the nature of, and the reason for, the sanction.

Sanctions for centre staff malpractice – centres

The awarding bodies will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

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

Written warning

A letter to the head of centre advising of the breach (including the Report) and advising of the further action that may be taken (including the application of penalties and special conditions) should there be a recurrence of this breach, or subsequent breaches at the centre.

Review and Report (Action Plans)

The head of centre will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment, or all examinations/assessments in general.

The head of centre will additionally be required to report back to the awarding body on improvements implemented by a set date.

Alternatively, an action plan will be agreed between the awarding body and the centre, and will need to be implemented as a condition of continuing to accept entries or registrations from the centre.

Approval of specific assessment tasks

The approval by the awarding body of specific assessment tasks in situations where these are normally left to the discretion of the centre.

Additional monitoring or inspection

The awarding body may increase, at the centre's expense, the normal level of monitoring that takes place in relation to the qualification(s).

Alternatively, the JCQ Centre Inspection Service may be notified of the breach of regulations and may randomly, without prior warning, inspect the centre over and above the normal schedule for inspections.

Removal of Direct Claims Status

Direct claims status may be removed from the centre in which case all claims for certification must be authorised by the centre's external verifier.

Restrictions on Examination and Assessment Materials

For a specified period of time a centre will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used. These papers will be opened and distributed under the supervision of the awarding body officer (or appointed agent) responsible for the delivery.

The centre might also be required to hand over to an awarding body officer (or appointed agent) the completed scripts and any relevant accompanying documentation, as opposed to using the normal script collection or posting procedures.

These measures may be applied for selected subjects or all subjects.

Independent Invigilators

The appointment for a specified period of time, at the centre's expense, of independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the regulations.

Suspension of candidate registrations or entries

An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to accept candidate entries or registrations from a centre. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.

Suspension of certification

An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to issue certificates to candidates from a centre.

Withdrawal of approval for a specific qualification(s)

An awarding body may withdraw the approval of a centre to offer one or more qualifications issued by that awarding body.

Withdrawal of centre recognition

The awarding body may withdraw recognition or approval for the centre.

This means as a result that the centre will not be able to deliver or offer the students the respective awarding body's qualifications.

The regulators and other awarding bodies will be informed of this action.

At the time of withdrawal of centre recognition a centre will be informed of the earliest date at which it can reapply for registration and any measures it will need to take prior to this application.

Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.

Any expense incurred in ensuring compliance with the penalties and/or special conditions must be borne by the centre.

If the head of centre leaves whilst the centre is subject to any sanctions or special measures, the awarding body will, if approached to do so, review the need for the continuation of these measures with the new head of centre.

Sanctions and penalties applied against *candidates*

The awarding bodies 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 to every type of qualification or circumstance.

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

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.

Loss of marks for a section

The candidate loses all the marks gained for a discrete section of the work. A section may be part of a component, or a single piece of coursework if this consists of several items.

Loss of marks for a component

The candidate loses all the marks gained for a component.

Loss of all marks for a unit

The candidate loses all the marks gained for a unit.

Disqualification from a whole qualification / all qualifications taken in that series

The candidate is disqualified from the whole qualification taken in that series or academic year.

Candidate debarred

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 the component/ qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

They will have to retake the whole subject, carrying forward the controlled assessment mark. This means that in these cases, candidates will generally have a twelve month wait for an opportunity to retake the examination.

Heads of centre may wish to take further action themselves in cases of candidate malpractice.

Communicating decisions

Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible.

It is the responsibility of the head of centre to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

The majority of cases of malpractice are confidential between the individual centre and the awarding body.

However, in cases of serious malpractice, where the threat to the integrity of the examination or assessment is such as to outweigh a duty of confidentiality, it will normally be necessary for information to be exchanged amongst the regulators and the awarding bodies.

In accordance with the requirements of the GCSE, GCE, Principal Learning and Project Code of Practice, regulatory arrangements for the Qualifications and Credit Framework and the General Conditions of Recognition, the awarding body will report cases of centre staff malpractice to the regulators if the circumstances of the case are likely to meet the definition of an adverse effect. This will include details of the action taken by the head of centre, the governing body or the responsible employer.

Other awarding bodies will also be informed.

In serious cases of centre staff malpractice, the awarding bodies reserve the right to share information with professional bodies such as the Teaching Agency.

It is the responsibility of the head of centre to inform the accused individual that the awarding body may share as detailed above.

Appeals

The awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions.

The following individuals have a right to appeal against decisions of the Malpractice Committee or officers acting on its behalf.

- Heads of centre, who may appeal against sanctions imposed on the centre or on centre staff, as well as on behalf of candidates entered or registered through the centre.
- Members of centre staff, or examining personnel contracted to a centre, who may appeal against sanctions imposed on them personally.

Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions or found in the JCQ publication A guide to the awarding bodies' appeals processes.

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 question 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;
- 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 outside all rooms (including music and art rooms) where examinations and assessments are held;
- Not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions for conducting examinations;
- The introduction of unauthorised material into the examination room, either prior to or during the examination; (N.B. this precludes the use of the examination room to coach candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination.)
- 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 examinations 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 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;
- 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 or the work has been marked;
- 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 notify the appropriate awarding body of an instance of suspected malpractice in examinations or assessments 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 IT 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 (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 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.

Addendum for Teacher Assessed Grades Summer 2021

For Summer 2021 Centres are required to submit Teacher Assessed Grades that have been determined in line with published guidance and their own Centre Policy.

The decision to not go ahead with exams in Summer 2021 means that the causes and drivers for malpractice will be different to those in a normal examination series. However, malpractice can still occur through genuine error or intent, particularly around the determination of grades. A minority of centre staff may fail to appropriately adhere to the guidance in determining grades and some students might attempt to gain an unfair advantage.

For this exam period therefore, the following addition has been made to the school policy.

The awarding organisations will investigate credible allegations of malpractice or issues reported from our monitoring processes that raise concerns about a failure to follow the published requirements for determining grades.

Examples include:

- Exam entries are created for students who had not studied the course of entry or had not intended to enter for June 2021.
- Grades created for students who have not been taught sufficient content to provide the basis for that grade.
- A teacher deliberately and inappropriately disregarding the centre's published policy when determining grades.
- A teacher fabricating evidence of candidate performance to support an inflated grade.
- A teacher deliberately providing inappropriate levels of support before or during an assessment, including deliberate disclosure of mark schemes and assessment materials, to support an inflated grade.
- A teacher intentionally submitting inflated grades.
- A failure to retain evidence used in the determination of grades in accordance with the JCQ Grading guidance.
- A systemic failure to follow the centre's policy in relation to the application of Access Arrangements or Special Consideration arrangements for students in relation to assessments used to determine grades.
- A failure to take reasonable steps to authenticate student work.
- A failure to appropriately manage Conflicts of Interest (COIs) within a centre.
- A Head of Centre's failure to submit the required declaration when submitting their grades. Grades being released to students (or their parents/carers) before the issue of results (variations to this requirement exist in Wales³). ³ For WJEC qualifications, centres are required to release provisional CDGs to candidates prior to submission to WJEC - please see WJEC's High Level guidance on the centre review and WJEC appeals process Summer 2021 document see www.wjec.co.uk 47
- Failure to cooperate with an awarding body's quality assurance, appeal or investigation processes.
- Failure to conduct a centre review or submit an appeal when requested to do so by a student. Centres which identify such incidents should report them to the appropriate awarding organisation as normal, using the JCQ M2 form.

Please note that the list is not intended to be exhaustive and there may be other instances of potential malpractice which will require investigation.