

## Malpractice and Maladministration Policy (Exams) 2023/24

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### What is malpractice and maladministration?

'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. This policy and procedure uses the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means any act, default or practice which is:

- a breach of the Regulations
- a breach of awarding body requirements regarding how a qualification should be delivered
- a failure to follow established procedures in relation to a qualification which:
  - gives rise to prejudice to candidates
  - compromises public confidence in qualifications
  - compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
  - damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre (SMPP 1)

### Candidate malpractice

'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. (SMPP 2)

### Centre staff malpractice

'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.

### Purpose of the policy

To confirm Ormiston Forge Academy has in place a written malpractice policy which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body (GR 5.3)

## General principles

In accordance with the regulations Ormiston Forge Academy will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation (GR 5.11)
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the **JCQ publication Suspected Malpractice – Policies and Procedures** and provide such information and advice as the awarding body may reasonably require (GR 5.11)

## Preventing malpractice

Ormiston Forge Academy has in place:

- Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication **Suspected Malpractice: Policies and Procedures**. (SMPP 4.3)
- This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding guidance:
  - General Regulations for Approved Centres 2023-2024;
  - Instructions for conducting examinations (ICE) 2023-2-24;
  - Instructions for conducting coursework 2023-24;
  - Instructions for conducting non-examination assessments 2023-24;
  - Access Arrangements and Reasonable Adjustments 2023-2024;
  - A guide to the special consideration process 2023-2024;
  - Suspected Malpractice: Policies and Procedures 2023-2024;
  - Plagiarism in Assessments;
  - AI Use in Assessments: Protecting the integrity of Qualifications;
  - A guide to the awarding bodies' appeals processes 2023-2024. (SMPP 3.3.1)

## Informing and advising candidates

The academy will communicate to students through the following means:

- The JCQ document 'Information for Students' issued to students in the Autumn term (the information is also available on the school website)
- Assemblies and tutor time
- Teachers have responsibility for ensuring that students are made aware of this information before undertaking any assessed work which has the potential to contribute to the awarding of a qualification

## Identification and reporting of malpractice

### Escalating suspected malpractice issues

- Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels (SMPP 4.3)

All staff in school 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. In addition, allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to the academy via the awarding organisation. Allegations of suspected staff/student malpractice must be made to the Head of Centre. All staff in school have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and 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. The school accepts the

responsibility to report any suspicion of student or staff assessment malpractice to the appropriate awarding body. The only exception to this relates to assessment malpractice in coursework or controlled assessment which is discovered prior to the student signing the declaration of authentication. In these circumstances the incident need not be reported to awarding bodies, but will be dealt with in accordance with the school's behaviour policy and protocols. Any work which is not the student'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 academy will submit the fullest details of the case at the earliest opportunity to the relevant awarding body as per Joint Council of Qualification (JCQ) regulations.

### **Reporting suspected malpractice to the awarding body**

- The head of centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication **Suspected Malpractice: Policies and Procedures**. (SMPP 4.1.3)
- The head of centre will 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 (SMPP 4.1.3)
- Form JCQ/M1 will be used to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration. (SMPP 4.4, 4.6)
- Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will be dealt with in accordance with the centre's internal procedures. The only exception to this is where the awarding body's confidential assessment material has potentially been breached. The breach will be reported to the awarding body immediately. (SMPP 4.5)
- If, in the view of the invigilator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or member of staff) will be informed of the rights of accused individuals (SMPP 5.33)
- Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries ((SMPP 5.35)
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.37)
- The awarding body will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly (SMPP 5.40)

### **Communicating malpractice decisions**

Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible. The head of centre will communicate to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The head of centre will also inform the individuals if they have the right to appeal (SMPP 11.1).

### **Appeals against decisions made in case of malpractice**

Ormiston Forge Academy will:

- Provide the individual with information on the process and timeframe for submitting an appeal, where relevant
- Refer to further information and follow the process provided in the JCQ publication A guide to the awarding bodies' appeals processes.

## **Appendix**

### **Examples of malpractice**

This is a more detailed list of examples of malpractice by staff and students that 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 academy at its discretion.

#### **Centre staff malpractice**

##### **1. Breach of security**

Any act which breaks 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 information about examinations and assessments that should be kept confidential, e.g. internet forums/social media;
- moving the time or date of a fixed examination beyond the arrangements permitted within the JCQ document Instructions for conducting examinations. Conducting an examination before the published date constitutes centre staff malpractice and is a clear breach of security;
- failing to adequately supervise candidates who have been affected by a timetable variation (this would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day);
- releasing candidates early from a timetabled assessment (e.g. before 10 a.m. for a morning session examination);
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination question papers after an examination in cases where the life of the paper extends beyond the particular session, e.g. 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, controlled assessments, coursework or non-examination assessments after collection and before despatch to the awarding body/examiner/moderator (this would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding body/examiner);
- failing to keep secure computer files which contain candidates' controlled assessments, coursework or non-examination assessments.

##### **2. Deception**

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

- inventing or changing marks for internally assessed components (e.g. non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded;
- 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);
- substituting one candidate's controlled assessment, coursework or non-examination assessment for another's;
- providing misleading or inaccurate information to an awarding body, candidates and/or parents.

##### **3. Improper assistance to candidates**

Any act where assistance is given beyond that permitted by the specification or regulations 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 assessment, coursework, nonexamination assessments or portfolios, beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessments, coursework or non-examination assessments 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 an examination/assessment by means of signs, or verbal or written prompts;
- assisting candidates granted the use of a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe beyond that permitted by the regulations.

#### **4. Failure to co-operate with an investigation**

- failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or
- failure to investigate on request in accordance with the awarding body's instructions or advice; and/or
- failure to investigate or provide information according to agreed deadlines; and/or
- failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding body.

#### **5. Maladministration**

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or malpractice in the conduct of 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' 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. These include the GCSE Computer Science Programming Project, GCSE English Language Spoken Language Endorsement and/or the GCE A-level Biology, Chemistry, Geology and Physics Practical Skills Endorsement;
- failing 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);
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed within Chapter 7 of the JCQ document Access Arrangements and Reasonable Adjustments;
- 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;
- failing to issue to candidates the appropriate notices and warnings, e.g. JCQ Information for candidates documents;
- 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 document Instructions for conducting examinations;

- failing to prevent the introduction of unauthorised material into the examination room, either prior to or during the examination (NB 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 document Instructions for conducting examinations;
- failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements;
- failure to have in place a malpractice policy;
- 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;
- failure to supervise effectively the printing of computer-based assignments when this is required;
- failing to retain candidates' controlled assessments, coursework or non-examination assessments securely 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 candidates' scripts, controlled assessments, coursework or nonexamination assessments to the awarding bodies, examiners or moderators in a timely way;
- failing to notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice;
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body;
- breaching the published arrangements for the release of examination results;
- inappropriate retention or destruction of certificates;
- failing to recruit learners with integrity, including the recruitment of learners who have not met the qualification's minimum entry requirements wherever stipulated and/or the recruitment of learners who are unable or otherwise unlikely to complete the qualification.

### **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;
- 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;
- allowing others to assist in the production of controlled assessments, coursework, nonexamination 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);
- 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.