



Malpractice Policy (Exams)

Introduction

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
- 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.

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice.

Purpose of the policy

The purpose of this policy is to confirm how Ludlow CE School manages malpractice under normal delivery arrangements in accordance with the regulations. In accordance with the regulations Ludlow CE School 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).

Staff Malpractice Procedure

This procedure sets out to define the procedures to be followed in the event of any dispute or allegation regarding staff malpractice in the assessment of internally marked qualifications (such as RSL, NCFE, ASDAN CoPE, and GCSE NEAs), and also regarding examinations invigilated by staff at the school and marked externally.

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by staff with regards to portfolio-based qualifications. This list is not exhaustive:

- Tampering with candidate's work prior to external moderation/verification
- Assisting candidates with the production of work outside of the awarding body guidance
- Fabricating assessment and/or internal verification records or authentication statements

The following are examples of malpractice by staff with regard to examinations

- Assisting candidates with exam questions outside of the awarding body guidance
- Allowing candidates to talk, use a mobile phone or go to the toilet unsupervised
- Tampering with scripts prior to external marking taking place.

Investigations into allegations will be coordinated by the Head of Centre, who will ensure the initial investigation is carried out within ten working days. The investigation will involve establishing the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true. Where appropriate, the staff member concerned and any potential witnesses will be interviewed and their version of events recorded on paper. 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

The member of staff will be:

- informed in writing of the allegation made against him or her
- informed what evidence there is to support the allegation
- informed of the possible consequences, should malpractice be proven
- given the opportunity to consider their response to the allegations
- given the opportunity to submit a written statement
- given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- informed of the applicable appeals procedure, should a decision be made against him/her
- informed of the possibility that information relating to a serious case of malpractice will be shared with the relevant awarding body and may be shared with other awarding bodies, the regulators Ofqual, the police and/or professional bodies, including the GTC

If work is submitted for moderation/verification or for marking which is not the candidate's own work, the awarding body may not be able to give that candidate a result.

Staff Malpractice Sanctions

Where a member of staff is found guilty of malpractice, Ludlow Church of England School may impose the following sanctions:

- **Written warning:** Issue the member of staff with a written warning stating 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 both internal and external assessments to undertake specific training or mentoring, within a particular period of time, including a review process at the end of the training.
- **Special conditions:** Impose special conditions on the future involvement in assessments by the member of staff.
- **Suspension:** Bar the member of staff in all involvement in the administration of assessments for a set period of time.
- **Dismissal:** Should the degree of malpractice be deemed gross professional misconduct, the member of staff could face dismissal from their post.

Appeals

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in line with the organisations Complaints and Appeals Policy and procedure.

Candidate Malpractice Procedure

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding candidate malpractice in the assessment of internally marked qualifications and also regarding examinations marked externally.

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by candidates with regards to portfolio-based qualifications. This list is not exhaustive:

- **Plagiarism:** the copying and passing off as the candidate's own work, the whole or part of another person's work.
- **Collusion:** working collaboratively with other learners to produce work that is submitted as the candidate's only.
- **Failing to abide by the instructions of an assessor** – this may refer to the use of resources which the candidate has been specifically told not to use.
- **The alteration of any results document.**

If a teacher suspects a candidate of malpractice in any internally assessed work, the candidate will be informed and the allegations will be explained. The candidate will have the opportunity to give their side of the story. If the candidate accepts that malpractice has occurred, they may be given the opportunity to repeat the assignment following advice from awarding bodies. If found guilty of malpractice following an investigation, the teacher may decide to re-mark previous assignments and these could also be rejected if similar concerns are identified.

The following are examples of malpractice by candidates with regards to examinations. This list is not exhaustive:

- Talking during an examination
- Taking a mobile phone into an examination
- Taking any item other than those accepted by the awarding body into the examination, such as a book or notes
- Leaving the examination room without permission
- Passing notes or papers or accepting notes to, or accepting notes or papers from another candidate

If an invigilator suspects a candidate of malpractice during an examination, the candidate will be informed of the rights of accused individuals and the allegations will be explained. All invigilators will receive annual training on spotting and reporting malpractice including how to use the Exam Room Incident Log for recording any incidents or irregularities.

The Head of Centre will ensure (as required by an awarding body) any cases of alleged, suspected or actual incidents of malpractice or maladministration before, during or after examinations/assessments (by Centre staff, candidates, invigilators) are investigated and reported to the awarding body immediately, by completing the appropriate documentation alongside the Exams Officer who will action any required follow-up and reporting to awarding bodies as soon as practically possible after the exam has taken place.

Once the information gathering has concluded, the Head of Centre (or other appointed information-gatherer) will submit a written report summarising the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries. Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used.

Once a decision has been made by the awarding body, it will be communicated in writing to the Head of Centre as soon as possible. The Head of Centre will communicate the decision 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.

Appeals

In the event that a malpractice decision is made, which the candidate feels is unfair, the candidate has the right to appeal in line the Complaints and Appeals Policies.

This process is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Mrs N Sampson Mrs P Hearle	
Date of next review	15/10/2023