

**Malpractice and Maladministration Policy**

Date: November 2023

Review: November 2024

Key staff involved -

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| **Role** | **Name(s)** |
| Head of Centre | Kelly Osborne-James |
| Deputy Headteacher - Curriculum | David McDonald |
| Exams Manager | Campus Co-ordinator, Michelle Bishop is currently supporting this role with our new Exams Officer starting in April’ who will be permanent |
| SENCo | Marius Dan |
| DSL | Naomi Luckman |
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**Introduction**

The Deanery CE Academy is required to have in place a malpractice and maladministration policy that enables us to identify, manage and mitigate malpractice and/or maladministration.

**Purpose**

This policy is aimed at all The Deanery CE Academy staff and learners who are delivering/registered on approved qualifications (including units), accreditations or Quality Assured Awards, and who are involved in suspected or actual malpractice and/or maladministration.

This policy is to be used by all staff at the Academy to ensure that malpractice and maladministration investigations are dealt with in a consistent manner. This policy covers all academic work of the Academy and all learners studying a qualification registered with an awarding organisation.

It also sets out the procedural steps that students and staff must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases.

The purpose of this policy is to protect our integrity as an Academy and the integrity of our qualifications.

**Scope of policy**

This policy applies to all staff and other individuals who interact or potentially interact with the work of the awarding organisation. This includes individuals involved with any aspects of the task setting, marking or any other activity connected with qualifications, tests and assessments, and supporting resources and services.

The individuals falling within the scope of this policy include all staff employed by the Academy on full time, part time or casual basis.

**Centre Responsibility**

It is important that staff involved in the management, assessment and quality assurance of qualifications are fully aware of the contents of the policy and that the centre has arrangements in place to prevent and investigate instances of suspected malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases including plagiarism, cheating and collusion or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre.

The Academy’s compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by awarding organisations periodically through ongoing centre monitoring arrangements.

Should an investigation be undertaken, the Head of Centre will:

• Ensure the investigation is conducted by competent investigators who have no personal involvement in the incident or personal interest in the matter

• Ensure the investigation is conducted in an effective, prompt, and thorough manner and that the investigator(s) look beyond the immediate reported issue to ensure that arrangements at the Academy are appropriate for all qualifications

• Respond timely and openly to all requests relating to the allegation and / or investigation. Cooperate and ensure that staff co-operate fully with any investigation and /or request for information. This policy should also be read in conjunction with Joint Council for Qualifications (JCQ) suspected malpractice in examinations and assessment policy.

In addition, this policy may be updated in light of operational feedback to ensure arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

**Definitions**

Plagiarism

Plagiarism is the presentation of someone else’s work, words, images, ideas, opinions, or discoveries, whether published or not, as one’s own, or alternatively taking for one’s own use, the artwork, images, or computer-generated work of others without properly acknowledging the source, with or without the owner’s permission. This includes the use of Artificial Intelligence (AI) in work submitted for assessment that has not been referenced.

Plagiarism by learners can occur in examinations, but is most likely to occur outside sat, unseen exams, i.e., in coursework, assignments, portfolios, essays and dissertations.

Examples of plagiarism may include:

• Directly copying from written physical, pictorial, or written material without crediting the source

• Paraphrasing someone else’s work without crediting the source

Work submitted for assessment must be the learner's own efforts and must be their own work. Learners are required to ensure that all submitted work is their own and valid for assessment purposes. Brief quotations from the published or unpublished works of another person, suitably attributed, are acceptable.

Cheating

The term cheating includes, without limitation:

• Being in possession of notes, 'crib notes', or textbooks during an examination other than an examination where such usage are permitted

• Communicating during the examination with another candidate

• Having prior access to the examination questions unless permitted to do so by the rules of the examination

• Substitution of examination materials

• Unfair or unauthorised use of an electronic calculator/device

• Impersonation

• Use of a communication device during the examination

• Any deliberate attempt to deceive

Collusion

Collusion is an example of unfair means because, like plagiarism, it is an attempt to deceive the examiners by disguising the true authorship of an assignment, or part of an assignment. Its most common version is that learner A copies, or imitates in close detail, learner B’s work with learner B’s consent. But it also includes cases in which two or more learners divide the elements of an assignment among themselves, and copy, or imitate in close detail, one another’s answers.

It is an offence to copy, or imitate in close detail, another learner’s work, even with their consent (in which case it becomes an offence of collusion). It is also an offence of collusion to consent to having one’s work copied or imitated in close detail. Learners are expected to take reasonable steps to safeguard their work from improper use by others. Collusion should not be confused with the normal situation in which learners learn from one another, sharing ideas, as they generate the knowledge and understanding necessary for each of them to undertake an assignment successfully and independently. Nor should it be confused with group work on an assignment where this is specifically authorised in the assignment brief.

Malpractice

The term ‘malpractice’ covers any deliberate actions, neglect, default, or other practice that compromises, or could compromise:

• The assessment process

• The integrity of a regulated qualification

• The validity of a result or certificate

• The reputation and credibility of The Deanery CE Academy

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.

Failure to deal with an identified issue may in itself constitute malpractice.

**Types of Malpractice**

The following are examples of malpractice. This is not an exhaustive list and as such does not limit the scope of the definitions set out in this policy. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

**Centre Staff Malpractice –**

***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 publication 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.

***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. *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, non-examination assessment or portfolios, beyond that permitted by the regulations

• sharing or lending candidates’ controlled assessment, coursework, or non-examination assessment 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, an Oral Language Modifier, a practical assistant, a prompter, a reader, or a scribe beyond that permitted by the regulations.

***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.

***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 elements required as part of a qualification. These include the GCSE English Language Spoken Language Endorsement

• inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed within Chapter 7 of the JCQ publication 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 publications

• failing to issue to candidates the appropriate notices and warnings, e.g., JCQ Information for candidate’s 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 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

• 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 publication Instructions for conducting examinations

• failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements

• failure to have on file for inspection purposes appropriate evidence, as per the JCQ publication 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 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 effectively supervise 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 non-examination 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.

**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 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 on-line

• 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. This includes the use of Artificial Intelligence (AI) in work submitted for assessment that has not been referenced.

• allowing others to assist in the production of controlled assessment, coursework, non-examination assessment or assisting others in the production of controlled assessment, coursework, or non-examination assessment

• 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 inappropriate, offensive, obscene, homophobic, transphobic, racist, or sexist material in scripts, controlled assessments, coursework, non-examination assessments 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, or reproduction of, 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, Smartwatches, 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 or assessment.

**Roles and Responsibilities**

Incidents of malpractice/maladministration can potentially lead to candidates being disadvantaged and can lead to costly and time-consuming investigations which may cause reputational damage to the Academy. It is, therefore, in everyone’s interest to prevent malpractice or maladministration from occurring, wherever possible.

Where it is not possible to prevent this, it is in everyone’s interest to ensure that all cases of suspected or actual malpractice malpractice/ maladministration are dealt with quickly, thoroughly, and effectively.

Centres and staff have roles and responsibilities in relation to malpractice /maladministration. They are responsible for:

• taking reasonable steps to prevent malpractice/maladministration from arising.

• advising candidates of policy on malpractice/maladministration during their induction.

• implementing systems and procedures for recording all suspected instances of learner malpractice and making this information available to Awarding Bodies during quality assurance activities on site and/or on request and assisting with any investigations into malpractice/maladministration

• being vigilant to possible instances of malpractice and maladministration.

• implementing any actions required during and after investigation into a case of malpractice.

• taking action required to prevent the recurrence of malpractice/ maladministration.

**Preventing Malpractice and Maladministration**

It will always be preferable to prevent malpractice/maladministration than to deal with it once it has occurred. Staff can help prevent malpractice and maladministration by:

• ensuring they understand what activity constitutes malpractice and maladministration; their role in preventing it and the need to communicate relevant points to all members of centre staff

• understanding and complying with the guidance on prevention of Malpractice / Maladministration and AI Use in Assessments

• ensuring that quality monitoring is conducted regularly and thoroughly by staff.

**Dealing with cases of (suspected) malpractice**

Identification

Malpractice may be identified:

• at course level through on-going quality assurance activity and monitoring e.g., internal quality assurance activity

• at whole Academy level through intelligence, complaints or feedback received e.g., from centre staff, students or other stakeholders

• through scheduled quality assurance activity and monitoring e.g., external quality assurance activity

• through internal examinations sampling

• through information from other organisations e.g., other awarding bodies.

A suspected case of malpractice will be investigated by a member of the CMT who is independent of the staff/learner/candidate/process under investigation.

Investigation timelines and process

All Investigations into malpractice and suspected malpractice should aim to:

• establish the facts, circumstances and scale relating to malpractice /allegations / complaints in order to determine whether any irregularities have occurred. (It is important to remember that just because an allegation has been made it should not be assumed that malpractice has actually occurred)

• identify the cause of the irregularities and those involved

• inform the Awarding Body if it is suspected that malpractice and/or maladministration has occurred. (For policy on malpractice relating to Awarding Organisations see the JCQ publication Guidance for dealing with instances of suspected malpractice in examinations, the latest issue <https://www.jcq.org.uk/>)

• identify and, if necessary, take action to minimise the risk to current candidates and requests for certification

• evaluate any action already taken

• determine whether remedial action is required to reduce the risk to current candidates and to preserve the integrity of the qualification

• ascertain whether any action is required in respect of certificates already issued

• obtain evidence to support any sanctions to be applied, and/or to members of staff, in accordance with awarding body procedures

• identify any patterns or trends

• identify any changes to policy or procedure that need to be made.

Conducting an investigation

During any investigation, the following principles should be adhered to:

***Principles***

***Confidentiality*** – by their very nature investigations usually necessitate access to information that is confidential to the Academy or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties.

***Rights of individuals*** –where an individual is suspected of malpractice, they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g., the regulators, the police, the awarding bodies. The appeals process should also be communicated to them. ***Staff Interviews*** - these interviews will be conducted in line with Academy policy and procedures (including the policy for conducting disciplinary enquiries). Staff may request that they are accompanied by a friend, Union representative or colleague and these requests should be processed in line with DCEA and/or Awarding Organisation policy.

***Candidate Interview*** - where a candidate is to be interviewed and they are a minor or vulnerable adult, the Academy will consider the need to have a parent/guardian or representative present or to have the permission of a parent/guardian prior to the interview taking place.

***Retention and storage of evidence and records*** – all relevant documents and evidence should be retained in line with Awarding Organisation’s stated policy and procedures.

***Decisions and action plans*** – all conclusions and decisions should be based on evidence. A course of proposed action should be identified and agreed by the investigating officer until the point of completion. The actions should address the improvements that are required to any policies and procedures as well as any action that is related to staff or other resources.

Guidance on conducting an investigation

The following process is recommended for conducting investigations. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

***Stage 1: Briefing and record-keeping*** Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role. All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

***Stage 2: Establishing the facts*** Investigators should review the evidence and associated documentation, including Awarding Body guidance on the delivery of the qualifications and related quality assurance arrangements. Issues to be determined:

• What occurred (nature of malpractice/substance of the allegations)

• Why the incident occurred

• Who was involved in the incident?

• When it occurred

• Where it occurred – there may be more than one location

• What action, if any, has been taken

***Stage 3: Interviews*** Thorough preparation is needed prior to any interview.

• interviews should include prepared questions; responses should be recorded. Interviewers may find it helpful to use the ‘PEACE’ technique: • Plan and prepare

• Engage and explain

• Account

• Closure

• Evaluation.

• face-to-face interviews where practicable, should normally be conducted by two people with one person primarily acting as interviewer and the other as note-taker. Those being interviewed should be informed that they may have another individual of their choosing present providing they are independent to the investigation.

***Stage 4: Other contacts*** In some cases, individuals may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or by email. Whichever method is used, the investigator should have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

***Stage 5: Documentary evidence*** Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking candidates and others to confirm handwriting, dates, and signatures. Receipts should be given for any documentation removed from an associated site.

***Stage 6: Reporting*** A draft report is prepared including all the relevant facts (see section on Reporting). The report should also include recommendations and proposed actions.

***Stage 7: Conclusions*** Once the report has been reviewed, a decision will made on the outcome, or it may be decided to investigate further.

***Stage 8: Actions*** Any resultant action plan is implemented and monitored appropriately by the Head of Centre.

Investigation report

Where the investigation into the alleged malpractice has been conducted a written report should be submitted to the awarding body and be accompanied by the following documentation:

• a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations conducted

• written statements from the centre staff and candidates who have been interviewed as part of the investigation

• any work of the learner and internal assessment or verification records relevant to the investigation

• in the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future

• any mitigating factors that should be considered.

The above records and documentation in line with DCEA record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

Investigation outcomes

All decisions to take further action following the outcome of the investigation will be based only on the evidence available.

**Appeals against malpractice decisions**

If a member of staff disagrees with the outcome of the investigation, they may appeal following the disciplinary procedure for staff.

If a candidate disagrees with the outcome of the investigation, they may appeal following the process in the Complaints and Appeals Policy.