Joint Council for Qualifications CIC

Suspected Malpractice Policies and Procedures

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Contents

Introduction

This document is intended for all those involved in or affected by malpractice incidents, including those who wish to report malpractice concerns regarding the delivery of general and vocational qualifications which are certificated by JCQ awarding bodies.

The document details the policies and procedures agreed by the JCQ awarding bodies for dealing with malpractice and breaches of security.

If there is a conflict between awarding body regulations and these procedures, this document shall take precedence.

This document:

- complies with Condition A8 – Malpractice and maladministration as defined by the regulators and Principle 14 of SQA Accreditation's Regulatory Principles;
- identifies the regulations under which examinations and assessments operate;
- defines malpractice in the context of examinations and assessments;
- sets out the rights and responsibilities of awarding bodies, centre staff and candidates in relation to such matters;
- describes the procedures to be followed in cases where there is reason to suspect that the regulations may have been broken;
- details the procedures for investigating and determining allegations of malpractice which in their fairness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.

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 a lack of awareness of the regulations, carelessness, or forgetfulness in applying the regulations;
- some occur as a result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the supervision of candidates is disrupted).

The individuals involved in malpractice also vary. They may be:

- candidates;
- teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, administration or quality assurance of examinations and assessments including examination officers, invigilators and those facilitating Access Arrangements (e.g. readers, scribes and practical assistants);
- assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- other third parties, e.g. parents/carers, siblings or friends of the candidate.

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

1 Definitions

Regulator

An organisation designated by government to establish national standards for qualifications and to secure compliance with them.

Centre

An organisation (such as a school, college, training company/provider or place of employment), which is approved by and accountable to an awarding body for the examination and assessment arrangements leading to a qualification award.

Head of centre

The 'head of centre' is the most senior operational officer in the organisation - the Headteacher of a school, the Principal of a college, the Chief Executive of an Academy Trust or the Managing Director of a company or training provider.

Where an allegation of malpractice is made against a head of centre, the responsibilities set out in this document as applying to the head of centre shall be read as applying to such other person nominated to investigate the matter by the relevant awarding body, such as the Chair of Governors.

Private candidates

A private candidate is 'a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre'.

Regulations

'Regulations' means the list of documents found in Appendix 1. They contain guidance and regulations relating to the provision of access arrangements and the conduct of controlled assessments, coursework, examinations and non-examination assessments.

The Regulations are based upon the requirements of the regulators of qualifications in England, Wales, Scotland and Northern Ireland, such as those found in Ofqual's General Conditions of Recognition, Qualifications Wales' Standard Conditions of Recognition, SQA Accreditation's Regulatory Principles and CCEA Regulation, General Conditions of Recognition.

Malpractice

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

- gives rise to prejudice to candidates; **and/or**
- compromises public confidence in qualifications; **and/or**
- 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.

Malpractice may or may not relate directly to sitting an examination. Awarding bodies are aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

Failure by a centre to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in itself.

Also, **failure to take action as required by an awarding body,** as detailed in this document, **or to co-operate with an awarding body's investigation, constitutes malpractice.**

Malpractice includes maladministration and instances of non-compliance with the regulations, and includes activity such as failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or failures of compliance with JCQ regulations 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. This list is not exhaustive.

Awarding bodies are obliged to notify the qualifications regulators of certain malpractice incidents, in accordance with the regulators' conditions.

The following are types of malpractice (Appendix 2 gives examples for each type):

- breach of security;
- deception;
- improper assistance to candidates;
- failure to co-operate with an investigation;
- maladministration;
- candidate malpractice.

Suspected malpractice

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

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, an Oral Language Modifier, a practical assistant, a prompter, a reader or a scribe.

Examples of centre staff malpractice are set out in Appendix 2, Part 1. The list is not exhaustive and does not limit the scope of the definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

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.

Examples of candidate malpractice are set out in Appendix 2, Part 2. The list is not exhaustive and does not limit the scope of the definitions set out in this document. Other instances of malpractice may be considered by the awarding bodies at their discretion.

2 Individual responsibilities

Awarding bodies

2.1 The regulators' General Conditions of Recognition state that awarding bodies must:

- establish and maintain, and at all times comply with, up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration; **and**
- ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

2.2 The awarding body will:

- oversee all investigations into suspected or alleged malpractice;
- determine whether to withhold the issuing of results until the conclusion of the investigation, or permanently, where the outcome of the investigation warrants it;
- apply appropriate sanctionslisted in this document in cases of proven malpractice;
- report the matter to the regulators and other awarding bodies in accordance with the regulators' General Conditions of Recognition;
- consider reporting the matter to the police if suspected or proven malpractice involves the committing of a criminal act;
- consider reporting the matter to other appropriate authorities where relevant, e.g. Funding Agencies and Teaching Regulation Agencies.

2.3 The awarding body will normally authorise the head of centre, acting on behalf of the awarding body, to gather evidence on its behalf.

In cases where allegations are made against the head of the centre, or the management of the centre, the awarding body will decide how the investigation will be carried out. The awarding body may authorise another person, such as one of the following, to gather evidence on its behalf:

- the Chair of the Governing Body of the centre; **or**
- the responsible employer (or his/her nominee), e.g. Director of Education; **or**
- another suitably qualified individual such as an Ofsted Inspector or head of another school.

The individual authorised to gather evidence will then report to the awarding body by the time specified and providing all the requested evidence.

2.4 The awarding body reserves the right to gather evidence directly for an investigation where it feels it is the most appropriate course of action.

Head of centre

2.5 The head of centre **must:**

- notify the appropriate awarding body **immediately** of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate (see paragraph 4.3). If staff malpractice is discovered in coursework or non-examination assessments, the head of centre **must** inform the awarding body **immediately**, regardless of whether the authentication forms have been signed by the candidate(s);
- report malpractice using the appropriate forms as detailed in paragraph 4.2;
- be accountable for ensuring that the centre and centre staff comply at all times with the awarding body's instructions regarding an investigation;
- ensure that if it is necessary to delegate the gathering of evidence to a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The head of centre should ensure there is no conflict of interest (see below) which might 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;
- make information requested by an awarding body available speedily and openly;
- co-operate with an enquiry into an allegation of malpractice and ensure that their staff do so also, whether the centre is directly involved in the case or not;
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in this document;
- forward any awarding body correspondence and evidence to centre staff and/or provide staff contact information to enable the awarding body to do so;
- 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.

2.6 The responsibilities in paragraph 2.5 extend to instances of suspected malpractice involving private candidates entered through the centre.

2.7 Heads of centre are reminded that **a failure to comply with the requirements set in paragraphs 2.5 and 2.6 may itself constitute malpractice.**

3 Procedures for dealing with allegations of malpractice

3.1 The handling of malpractice complaints and allegations involves the following phases:

- the allegation (section 4);
- awarding body's response (section 5);
- the investigation (section 6);
- the report (section 7);
- the decision (section 8);
- the appeal (section 14).

Communications

3.2 Awarding bodies will normally communicate with the head of centre regarding allegations of malpractice, except when the head of centre or management of the centre is under investigation. In such cases communications may be with another person authorised by the awarding body to help investigate the matter, such as the Chair of Governors or Director of Education.

3.3 Communications relating to the decisions taken by the awarding body in cases of malpractice will always be addressed to the head of centre, except when the head of centre or management is under investigation. When the head of centre or management is under investigation, communication will usually be with the Chair of Governors, Academy Trust Officials, Local Authority officials or other appropriate governance authorities, as deemed appropriate.

3.4 Awarding bodies may communicate directly with members of centre staff if the circumstances warrant this, e.g. the staff member is no longer employed or engaged by the centre.

3.5 Investigations are usually confidential between the awarding body and the centre. Awarding bodies will normally only communicate directly with a candidate (or the candidate's representative) when they are a private candidate or the awarding body has been liaising with the candidate directly regarding their alleged involvement in malpractice.

However, awarding bodies reserve the right to communicate directly with candidates in other instances. For example, in relation to investigations where they are directly impacted and the awarding body does not have assurance that the centre is communicating appropriately with the candidate(s).

3.6 Where requested, heads of centre **must** facilitate communications between the awarding body and the individual concerned.

3.7 An awarding body reserves the right to share information relevant to malpractice investigations with third parties, e.g. other awarding bodies, the regulators and other appropriate authorities.

All those interviewed or making a statement should be made aware that awarding bodies reserve the right to share their statements, records or transcripts of any interview(s) that are undertaken, with others involved in the investigation.

3.8 All those interviewed or making a statement should be made aware that awarding bodies reserve the right to share their statements, records or transcripts of any interview(s) that are undertaken, with others involved in the case and other appropriate third parties as described in paragraph 3.7. This information may be shared at any stage during or after the investigation.

4 The allegation

Suspected malpractice identified by examiners, moderators and external verifiers

4.1 Examiners, moderators, monitors and external verifiers who suspect malpractice in an examination or assessment will notify the relevant awarding body **immediately** using the procedures and forms provided by the awarding body.

Suspected malpractice identified by a centre

4.2 Where suspected malpractice is identified by a centre, the head of centre **must** submit full details of the case **immediately** to the relevant awarding body.

Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2 (suspected malpractice/ maladministration involving centre staff) should ideally be used 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** and as an Appendix to this document.

Notifications in letter format will be accepted but must provide the information as required by the forms.

4.3 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 must 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 **must** be reported to the awarding body **immediately.**

If, at the time of the incident, a candidate has not been entered with an awarding body for the component, unit or qualification, malpractice discovered in a controlled assessment, coursework or non-examination assessment can also be dealt with in accordance with the centre's internal procedures.

Centres should not normally give credit for any work submitted which is not the candidate's own work. If any improper assistance (see below) has been given, a note **must** be made of this on the cover sheet of the candidate's work or other appropriate place.

Where malpractice by a candidate in a vocational qualification is discovered prior to the work being submitted for certification, centres should refer to the guidance provided by the awarding body.

Note: Centres are advised that if coursework, controlled assessment, non-examination assessment or portfolio work which is submitted for internal assessment is rejected by the centre on grounds of malpractice, candidates have the right to appeal against this decision. The JCQ website contains advice on the recommended procedures for appeals against internal assessment decisions.

Suspected malpractice reported by others

4.4 Allegations of malpractice are sometimes reported to awarding bodies by employers, centre staff, regulators, funding agencies, candidates, other awarding bodies and members of the public. Sometimes these reports are anonymous.

Where requested, awarding bodies will not disclose the identity of individuals reporting cases of suspected malpractice, unless legally obliged to do so.

Employees/workers making allegations of suspected malpractice within centres may be protected by the Public Interest Disclosure Act 1998, if:

- the disclosure amounts to a "protected disclosure" (as set out in the relevant legislation);
- the employee/worker is raising a genuine concern in relation to malpractice; and
- the disclosure is made in compliance with the guidelines set out in the legislation and/or the centre's own Whistleblowing Policy; and
- if the disclosure is made to their employer or the Regulator.

For the avoidance of doubt, awarding bodies are not identified in the legislation as bodies to whom protected disclosures can be made (i.e. a prescribed body). Ofqual, however, is described in the legislation as a body to whom protected disclosures can be made.

Further guidance on the Public Interest Disclosure Act 1998 and protected disclosures can be found in:

- JCQ Public Interest Disclosure Act – Guidance;
- gov.uk webpages.

4.5 Awarding bodies are aware that reporting suspected malpractice by a member of staff or a candidate can create a difficult environment for that individual. Accordingly, an awarding body will try to protect the identity of an informant if this is requested at the time the information is given.

4.6 If the information is provided over the telephone, the informant will usually be asked to confirm the allegation in writing.

4.7 When an awarding body receives an allegation, the awarding body will evaluate the allegation in the light of any available information to see if there is cause to investigate.

5 The awarding body's response to an allegation of malpractice

5.1 In the case of notifications of suspected malpractice received from examiners, moderators, monitors, external verifiers, the regulators or members of the public (including informants), the awarding body will consider the information provided and decide to:

- take no further action; **or**
- ask the head of centre, or another suitably qualified individual, to gather evidence in support of an investigation into the alleged malpractice and to submit a written report; **or**
- investigate the matter directly.

5.2 The awarding body will notify the relevant regulator as soon as it receives sufficient evidence of suspected malpractice that meets the notification requirements set out in B3 of the regulators' Conditions of Recognition. The other awarding bodies which have approved that centre and other appropriate authorities may also be informed.

5.3 On receipt of a notification of suspected malpractice submitted by a head of centre, the awarding body will consider the information provided and decide:

- to take no further action; **or**
- if the notification takes the form of a report, to make a decision on the case in accordance with the procedures, (where the evidence permits) - see sections 8 - 13; **or**
- to ask the head of centre to gather further evidence in accordance with paragraphs 6.1 - 6.6; **or**
- to investigate the matter further itself.

5.4 Regardless of whether the allegation of malpractice is proven or not, in order to ensure the integrity of, and public confidence in, future examinations/assessments, the awarding body may undertake additional inspections and/or monitoring, and/or require additional actions.

5.5 The awarding body reserves the right to notify the police or other law enforcement/ investigating bodies should the allegation disclose the potential commission of a crime.

6 The investigation

Activities carried out by the head of centre/appointed information gatherer

6.1 It is normally expected that the head of centre will gather evidence into allegations of malpractice. The head of centre **must** deal with the investigation in accordance with the deadlines and requirements set by the awarding body.

Head of centre responsibilities are detailed in paragraph 2.5 of this document.

6.2 Those responsible for gathering evidence for an investigation should obtain the evidence specified by the awarding body, in the formats required. Individuals should always gather the evidence specified by the awarding body, regardless of their assessment of the matter. Equally, it should not be assumed that because an allegation has been made, it is true.

6.3 The head of centre should consider that both staff and candidates can be responsible for malpractice.

If the gathering of evidence is delegated to another senior member of centre staff, the head of centre retains overall responsibility. In selecting a suitable senior member of centre staff the head of centre **must** take all reasonable steps to avoid a conflict of interest.

Where a conflict of interest may be seen to arise, investigation activities into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. In the event of any concerns regarding conflicts of interest, or the suitability of the potential investigator, the head of centre **must** contact the awarding body as soon as possible to discuss the matter.

6.4 If a centre is reporting the suspected malpractice, the awarding bodies recommend that, as a minimum, the centre provides the accused individual(s) with a completed copy of the form or letter used to notify the awarding body of the malpractice.

6.5 Where the person gathering the evidence for the investigation deems it necessary to interview a candidate or member of staff in connection with alleged malpractice, the interviews must be conducted in accordance with the centre's own policy for conducting enquiries. A full note of the interview should be made and kept. The interviewee should be asked to confirm the accuracy of the note.

Reference should also be made to paragraph 6.13 which deals with the rights of accused individuals.

6.6 The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, in particular he/she is not to answer questions on the interviewee's behalf. An awarding body will not be liable for any professional fees incurred. The head of centre is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be asked to provide a written statement. Those gathering evidence for an investigation should refer to the guidance in Appendix 3.

Activities carried out directly by the awarding body

6.7 The awarding body reserves the right to conduct any investigation directly where it feels that it is the most appropriate course of action. The decision as to how an investigation is conducted always rests with the awarding body.

An awarding body will not normally withhold information about material obtained or created during the course of an investigation into an allegation of malpractice from the head of centre. However, it must comply with data protection law and specifically it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, the awarding body will withhold information that would reveal the person's identity, and will explain why the withheld information cannot be provided.

Any evidence not provided to the accused (and their head of centre, if applicable) will not be provided to a Malpractice Committee and will not be considered when deciding whether or not an allegation of malpractice is proven.

6.8 Sometimes it is necessary for the awarding body to interview a candidate during an investigation. If the candidate is a minor or a vulnerable adult, and if the interview is to be conducted face to face, the awarding bodies undertake to do this only in the presence of an appropriate adult.

6.9 Interviews may also be conducted over the telephone or other video/voice communication service.

6.10 When it is necessary for an awarding body member of staff to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor (who may be a representative of a teacher association or other association).

6.11 If the individual being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them the opportunity to be similarly supported.

The head of centre will be required to make available an appropriate venue for such interviews.

The person accompanying the interviewee should not take an active part in the interview. In particular he/she is not to answer questions on the interviewee's behalf.

6.12 A full note of the interview will be made and the interviewee asked to confirm its accuracy. The individual being interviewed may also be asked to provide a written statement.

Rights of the accused individuals

6.13 If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) **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, 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 the 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, (see paragraph 14.1) 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 and other appropriate authorities.

6.14 Responsibility for informing the accused individual rests with the head of centre. In certain circumstances it may be necessary for the head of centre to exercise discretion, in the light of all the circumstances of the case, as to the timing and the means by which an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

6.15 Full details of the awarding body's appeals procedures will be sent to the head of centre and/or the accused involved in an appeal (see section 14).

7 The report

7.1 After gathering evidence relating to a malpractice investigation, the head of centre must submit a full written report of the case to the relevant awarding body.

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

- a statement of the facts, including a clear and detailed account of the circumstances of the alleged malpractice and an objective assessment of the evidence gathered;
- the evidence relevant to the allegation, such as written statement(s) from the teacher(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- written statement(s) from the candidate(s) in their own words;
- any exculpatory evidence and/or mitigating factors;
- information about the centre's procedures for advising candidates and centre staff of the awarding bodies' regulations;
- seating plans showing the exact position of candidates in the examination room;
- unauthorised material found in the examination room or photographs of material which cannot be submitted to an awarding body;
- any candidate work and any associated material (e.g. source material for coursework) which is relevant to the investigation;
- any teaching resources/material relevant to the investigation;
- details of the actions to be taken by the centre to mitigate the impact of any malpractice or actions to be taken to avoid a recurrence.

7.3 Form JCQ/M1 or Form JCQ/M3 should be used as the basis of the report. These are available from the JCQ website: **http://www.jcq.org.uk/exams-office/malpractice**

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.

8 The decision

The Malpractice Committee

8.1 In order to determine the outcomes in cases of alleged malpractice, awarding bodies may appoint a Panel or Committee composed of internal and/or external members experienced in examination and assessment procedures. Alternatively, this function may be allocated to a named member or members of awarding body staff. In this document the Committee (or awarding body personnel responsible for making decisions in malpractice cases) is referred to as the 'Malpractice Committee'.

The Malpractice Committee may be assisted by an awarding body member of staff who has not been directly involved in the investigation.

8.2 The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- The work of the Malpractice Committee is confidential.
- Members of the Malpractice Committee are required to identify any case where they have personal knowledge, or might be said to have some interest, which could lead to an inference that the Committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter.
- Accused individuals, heads of centre and their representatives are not entitled to be present at meetings of the Malpractice Committee.

8.3 The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation.

8.4 Awarding body staff who have directly gathered evidence for the case will play no role in the decision- making process. In straightforward cases, it may be sensible to make a decision based on the information received.

8.5 No-one who declares an interest in the outcome of the case will be present in the room when the case is considered.

8.6 Evidence supplied to the Malpractice Committee will only include information relevant to the case and which has been made available to the person against whom the allegation has been made. For the avoidance of doubt, wherever practicable, where the person against whom the allegation is made receives material that has been subject to redaction (e.g. of individuals' names), the material that the Malpractice Committee receives will also be redacted.

The person against whom the allegation has been made will be given the opportunity to make a written statement to the Malpractice Committee in light of the material provided

Making the decision: overview

8.7 In making a decision on any case, the Malpractice Committee will first establish that correct procedures have been followed in the investigation, and that all individuals involved have been given the opportunity to make a written statement. Where individuals have had the opportunity to make a written statement, but have declined this opportunity, the case will proceed on the basis of all other information received.

8.8 If satisfied, the Malpractice Committee will then seek to determine:

- whether malpractice as defined in this document (see section 1) has occurred;
- where the culpability lies for the malpractice.

8.9 If the Malpractice Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches;
- the nature of any sanction to be applied.

Making the decision: process

8.10 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of malpractice this may be taken into consideration when determining whether a more severe sanction should be applied.

The Malpractice Committee will seek to make decisions unanimously, but if necessary may decide by a majority.

8.11 The Malpractice Committee will consider, as separate issues:

- whether or not there has been malpractice; and
- if malpractice is established, whether a sanction should be applied.

8.12 When making a decision in a case the Malpractice Committee will:

- identify the regulation or specification requirement which it is alleged has been broken;
- establish the facts of the case based on the evidence presented to them;
- decide whether the facts as so established actually breach the regulations or specification requirements.

If malpractice has occurred, the Malpractice Committee will establish who is responsible for this and:

- consider any points in mitigation;
- determine an appropriate level of sanction , considering the least severe sanction first

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8.13 The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but the awarding body may decide that it is unable to accept the work of a candidate or issue results in order to protect the integrity of the qualification for the majority. Where appropriate, the awarding body may issue estimated grades for the affected unit(s).

8.14 In situations where a case is deferred because the Malpractice Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and the individual against whom the allegation has been made.

8.15 In straightforward cases where the evidence is not contested or in doubt, awarding bodies may invoke a summary procedure. In these cases, a sanction or sanctions may be applied and notified to an individual or centre following consideration of the case by an awarding body member of staff.

Sanctions applied under this summary procedure are subject to appeal, as are all other sanctions resulting from cases of malpractice. Please see the JCQ publication A guide to the awarding bodies' appeals processes:

http://www.jcq.org.uk/exams-office/appeals

9 Sanctions and penalties

9.1 Awarding bodies impose sanctions on individuals and on centres responsible for malpractice in order to:

- minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaking the regulations;
- deter others from doing likewise.

9.2 Awarding bodies will normally impose sanctions on individuals found guilty of malpractice. These will usually be the candidate(s) or the responsible member(s) of staff. However, when malpractice is judged to be the result of a serious management failure within a department or the whole centre, the awarding body may apply sanctions against the centre. In these cases the awarding body may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.

9.3 Awarding bodies will endeavour to protect candidates who, through no fault of their own, are caught up in a malpractice incident. It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual candidates and it may not be possible to give those candidates a result, or permit a result to be retained.

When considering the action to be taken, awarding bodies will balance responsibilities towards the rest of the cohort and the individuals caught up in the malpractice incident.

Results may also not be issued or may be revoked in cases where malpractice has occurred but it was not established clearly who was to blame.

9.4 In cases where it is not reasonable or possible to determine responsibility for malpractice, and where it is clear that the integrity of the examination or assessment has been impaired in respect of an individual or individuals, the awarding body may decide not to accept the work submitted or undertaken for assessment, or may decide it would be unsafe to make awards or permit awards to be retained. In these cases the candidate(s) may re-take, where available, the examination/assessment at the next opportunity or, where the qualification permits, provide additional proof of competence.

9.5 The awarding bodies have agreed that sanctions will be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction for a particular offence is set out in Appendices 4 and 5.

9.6 Awarding bodies reserve the right to apply sanctions flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

9.7 Sanctions will be based only on the evidence available.

9.8 All sanctions must be justifiable and reasonable in their scale, and consistent in their application.

9.9 If the examination is one of a series, sanctions will only apply to the series in which the offence has been committed and possible future series.

(If evidence comes to light some considerable time after the offence, a sanction may still be applied to the series in which the offence was committed and later series.)

9.10 If assessment is continuous, sanctions will be applied to the submission in which the malpractice occurred and may impact future submissions.

9.11 For consistency of approach in the application of sanctions and penalties, awarding bodies will not usually attach significant weight to the consequential effects (e.g. on university applications) of any particular sanction which might arise from the circumstances of the individual.

9.12 A permanent record will be kept of the impact of any sanctions on an individual's results. For this reason, centres **must not** withdraw candidates after malpractice has been identified, even if they have not completed the assessments in question.

All other information relating to specific instances of malpractice or irregularities will be destroyed.

9.13 Heads of centre **must** inform those individuals found guilty of malpractice that information may be passed onto other awarding bodies and/or other appropriate authorities. This information will typically include the names, offences and sanctions applied to those found guilty of breaching the published regulations.

10 Sanctions for centre staff malpractice: Individuals

10.1 In cases of centre staff malpractice, the primary role of the awarding body is to consider whether the integrity of its examinations and assessments has potentially been compromised.

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

10.2 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 any centre based decision after the awarding body or its Malpractice Committee has reached its conclusion.

10.3 In determining the appropriate sanction , 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).

The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

10.4 Sanctions may be applied individually or in combination.

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

1. Written warning

Issue the member of staff with a written warning that if he/she commits malpractice within a set period of time, further specified sanctions will be applied.

2. 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.

3. 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.

4. 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, regulators, and other organisations such as the Teaching Regulation Agency (TRA) and Education Workforce Council (EWC) may be informed when a suspension is imposed.

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

10.7 If a member of staff moves to another centre while being subject to a sanction, the head of centre must 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.

10.8 If a centre changes awarding body for a qualification, and a member of staff involved in the delivery or assessment of the qualification is subject to a sanction, the head of centre must notify the new awarding body.

10.9 The awarding body may, at its discretion, ask for monitoring activity to be undertaken, or a plan devised to provide assurance that sanctions against centre staff are being appropriately applied. Such requirements are distinct and separate from the sanctions described in section 11.

11 Sanctions for centre staff malpractice: Centres

11.1 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.

Not all the sanctions are applicable to every type of qualification or circumstance.

11.2 These sanctions may be applied individually or in combination. The table in Appendix 4 shows how the sanctions might be applied.

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

1. Written warning

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

2. Review and report procedures/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.

3. 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.

4. 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. (The JCQ Centre Inspection Service operates in relation to general qualifications and examined vocational qualifications.)

5. Removal of Direct Claims

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. (This sanction only applies to vocational qualifications.)

6. 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, rather than using the normal script collection or despatch procedures.

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

7. 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 published regulations.

8. 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.

9. 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. (This only applies to NVQs and similar types of qualifications.)

10. 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.

11. Withdrawal of centre recognition

The awarding body may withdraw recognition or approval for the centre. This would mean that the centre will not be able to deliver or offer students the respective awarding body's qualifications. The regulators, awarding bodies and other appropriate authorities will be informed if this action is taken.

At the time of withdrawal of centre recognition, where determined by an awarding body, a centre will be informed of the earliest date at which it can re-apply 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.

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

11.5 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.

12 Sanctions applied against candidates

12.1 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.

Not all the sanctions are appropriate to every type of qualification or circumstance.

12.2 These sanctions may be applied individually or in combination (see Appendix 6).

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

1. Warning

The candidate is issued with a warning that if he/she commits malpractice within a set period of time, further specified sanctions will be applied.

2. Loss of all 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 non-examination assessment if this consists of several items.

3. Loss of all marks for a component

The candidate loses all the marks gained for a component.

Where a component is more often a feature of a linear qualification than a unitised qualification, and so this sanction can be regarded as an alternative to sanction 4.

Some units also have components, in which case a level of sanction between numbers 2 and 4 is possible.

4. Loss of all marks for a unit

The candidate loses all the marks gained for a unit.

This sanction can only be applied to qualifications which are unitised. For linear qualifications, the option is sanction 3.

This sanction usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.

5. Disqualification from a unit

The candidate is disqualified from the unit.

This sanction is only available if the qualification is unitised. For linear qualifications the option is sanction 7.

The effect of this sanction is to prevent the candidate aggregating or requesting certification in that series, if the candidate has applied for it.

6. Disqualification from all units in one or more qualifications

If circumstances justify, sanction 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous examination series are retained.)

This sanction is only available if the qualification is unitised. For linear qualifications the option is sanction 8.

7 Disqualification from a whole qualification

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

This sanction can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost.

If a candidate has not requested aggregation the option is sanction 6. It may also be used with linear qualifications.

8. Disqualification from all qualifications taken in that series

If circumstances justify, sanction 7 may be applied to other qualifications.

This sanction can be applied to unitised qualifications only if the candidate has requested aggregation.

Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost.

If a candidate has not requested aggregation the option is sanction 6. It may also be used with linear qualifications.

9. Candidate debarral

The candidate is barred from entering for one or more examinations for a set period of time. This sanction is applied in conjunction with any of the other sanctions above, (other than sanction 1 warning) if the circumstances warrant it.

12.4 Unless a sanction is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification, may re-take the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

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

13 Communicating decisions

13.1 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 details of any sanctions and action in cases where this is indicated.

13.2 The majority of malpractice cases are confidential between the centre, the individual who engaged in the malpractice 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;
- other awarding bodies; **and**

other centres where the malpractice may affect the delivery of an awarding body's qualification.

13.3 In accordance with the requirements of the regulatory 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 as defined in Condition B3.2 of the regulatory Conditions of Recognition. This will include details of the action taken by the head of centre, the governing body or the responsible employer. Other awarding bodies and other appropriate authorities will also be informed.

13.4 In serious cases of centre staff malpractice, the awarding bodies reserve the right to share information with professional bodies such as the Teaching Regulation Agency (England) and Education Workforce Council (Wales).

13.5 It is the responsibility of the head of centre to inform the accused individual that the awarding body may share information in accordance with paragraphs 13.2, 13.3 and 13.4.

14 Appeals

14.1 The awarding bodies have established procedures for considering appeals against sanctions 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;
- private candidates;
- third parties who have been barred from taking or delivery of the awarding body's examinations or assessments.

14.2 Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions.

14.3 Further information about the awarding bodies' appeals process may be found in the JCQ publication A guide to the awarding bodies' appeals processes:

http://www.jcq.org.uk/exams-office/appeals

Appendices

Appendix 1 Sources of information

In addition to the requirements found in subject or qualification specifications, the following documents contain the regulations relating to the conduct of examinations and assessments. In all cases the most recent version of the regulations must be referred to.

The following JCQ documents are available on the JCQ website:

Booklets

- A guide to the awarding bodies' appeals processes
- A guide to the special consideration process
- Access Arrangements and Reasonable Adjustments, 1 September 2020 to 31 August 2021
- General Regulations for Approved Centres, 1 September 2020 to 31 August 2021
- Instructions for conducting coursework, 1 September 2020 to 31 August 2021
- Instructions for conducting examinations, 1 September 2020 to 31 August 2021
- Instructions for conducting non-examination assessments, 1 September 2020 to 31 August 2021
- Post-Results Services – Information and guidance to centres (June 2020 and November 2020 examination series)

Joint Council Notices

- Information for candidates (coursework)
- Information for candidates (non-examination assessments)
- Information for candidates for on-screen tests)
- Information for candidates (Privacy Notice) Information for candidates (social media)
- Information for candidates for written examinations
- Unauthorised items poster
- Plagiarism in Examinations, Guidance to Teachers/Assessors
- Warning to candidates

The following awarding body documents are also available:

AQA

- AQA General Regulations
- AQA Examinations Updates

City & Guilds

- City & Guilds General Regulations
- City & Guilds Centre Manual

CCEA

- Qualifications Administration Handbook
- Subject Specifications
- Preventing Malpractice Guidance

OCR

- Subject-specific Administrative Guides

Pearson

- Centre Guidance: Dealing with malpractice
- Subject-specific Instructions for the conduct of examinations

WJEC

- Examinations Requirements booklet WJEC
- Internal Assessment Manual
- Malpractice – A guide for centres
- Guide to Appeals

Regulatory documents are available on the regulators' websites.

Appendix 2 Examples 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 earlier in this document. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

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Part 1: 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 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.

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, 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.

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;
- 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 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 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 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 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;
- 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.

Part 2: 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;
- 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.

Appendix 3 A guide to gathering evidence for a malpractice investigation

The person gathering evidence on an allegation of candidate malpractice within a centre must collect the evidence and submit a report to the awarding body.

The person gathering evidence must have no personal or other conflict of interest in the outcome of that investigation.

The report **must** detail:

- who was involved in the incident, including candidates, members of staff and/or invigilators;
- the facts of the case, as established from evidence and/or statements from those involved.

The report **must** include:

- a clear account, as detailed as necessary, of the circumstances;
- details of the activities carried out by the centre;
- written statements from any teachers, invigilators or other members of staff concerned, which must be signed and dated;
- written statements from the candidates concerned, which must be signed and dated;
- any other evidence relevant to the allegation;

and, where appropriate:

- information about how the centre makes candidates aware of the awarding bodies' regulations;
- seating plans;
- any unauthorised material found in the examination room;
- photographic evidence of any material written on hands/clothing etc;
- any candidate work/associated material which is relevant to the investigation;
- any other relevant evidence.

Individuals implicated in malpractice **must** be afforded their rights as detailed in paragraph 6.13.

Form JCQ/M3, which can be found at **http://www.jcq.org.uk/exams-office/malpractice**, **must** be used as the basis of the report. The checklist at the end of the form needs to be completed and submitted with the report.

If an allegation is delegated to a senior member of centre staff, the head of centre retains overall responsibility for gathering the evidence.

In selecting a suitable senior member of staff the head of centre **must** take all reasonable steps to avoid a conflict of interest.

Where a conflict of interest may be seen to arise, investigations into suspected malpractice **must not** be delegated to the manager of the section, team or department involved in the suspected malpractice. **The person conducting the investigation must have no personal interest in the outcome of the investigation**.

Reports, evidence and supporting statements **must** be sent to the awarding body concerned.

If at any stage during the investigation the centre is unsure what to do, advice and guidance should be sought from the malpractice investigation team at the relevant awarding body. Contact information is provided at the end of this document in Appendix 8.

Appendix 4 Indicative sanctions against centres

This table is for guidance only and sanctions can be flexible applied according to the details of each individual case

Proposed sanction	Broad reason for the sanction
Written warning	Minor non-compliance with the regulations or maladministration with no direct or immediate threat to the integrity of an examination or assessment.
Review and report (action plans)	Breach of procedures or regulations which if left unchecked could result in a threat to the examination or assessment.
Approval of specific assessment tasks	Failure in a specific subject or sector area relating to the nature of the assessment tasks chosen.
Additional monitoring or inspection	Failure of the centre's systems resulting in poor management of the examination or assessment, or inadequate invigilation.
Removal of direct claims status	Loss of confidence in the ability of the centre to assess and verify candidates' portfolios satisfactorily.
Restrictions on examination or assessment materials	Failure to maintain the security of examination or assessment materials.
The deployment of independent invigilators	Loss of confidence in the centre's ability to invigilate examinations.
Suspension of candidate registrations	Threat to the interest of candidates registered on the qualification.
Suspension of certification	Loss of the integrity of assessment decisions; danger of invalid claims for certification.
Withdrawal of approval for specific qualification(s)	Repeated breach of the regulations relating to a specific qualification. Alternatively, a breakdown in management and quality assurance arrangements for a specific qualification or sector/subject area.
Withdrawal of centre recognition	Loss of confidence in the head of centre or senior management of the centre. Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre. Failure to co-operate with awarding body requests to thoroughly investigate suspected malpractice. Failure to implement a specified action plan.

Appendix 5 Indicative sanctions against centre staff

This table is for guidance only and sanctions can be flexible applied according to the details of each individual case

Type of offence	Warning	Training	Special conditions	Suspension
Improper assistance	Minor assistance, no significant impact, e.g. where not allowed, headings or a basic table template, small amounts of simple / generic feedback, sharing exemplars without careful control (where individual is untrained/ inexperienced).	Limited help, minimal impact, misunderstanding rules or lack of experience, e.g. new reader clarifies questions, non-specialist gives 'how to' guide in Non-Examined Assessment (NEA) against regulations.	Limited help and impact, e.g. staff member gives general 'how to' guide, giving exemplars with no control, and/or feedback beyond regulations in presence of mitigating factors, e.g. in NEA following recent specification change where allowed in previous specification.	Significant impact; impairment to validity of assessments, e.g. feedback beyond regulations, giving exemplars for copying, provision of answers.
Maladministration	Repeated use of out of date or wrong tasks / texts, minor errors in following assessment regulations with minimal impact on candidates, e.g. granting legitimate access arrangements when approval not given.	Errors in following assessment regulations, by inexperienced/ insufficiently- trained staff, e.g. new invigilator failing to manage timings correctly; scribe reading questions.	Errors in following assessment regulations by experienced members of staff, but with limited impact affecting a limited number of candidates, e.g. granting access arrangements to ineligible candidates to limited effect which is not systematic in scope; failure to invigilate clash candidates adequately to limited impact.	Errors in following assessment regulations that compromise integrity of assessment or submissions; or breach of regs that impacts results; or systemic, repeated or continuing non-compliance with JCQ regulations; failure to provide training for invigilators, and/or those facilitating Access Arrangements.
Deception	This box is intended to be blank.	This box is intended to be blank.	This box is intended to be blank.	Falsifying candidates' work or submissions, systemic non-compliance with JCQ regulations; falsifying marks, entering fictitious and/or ineligible candidates for exams; fabricating evidence for access arrangements.

Type of offence	Warning	Training	Special conditions	Suspension
Security breach	Failure to give due care and attention to security of assessment materials not resulting in a security breach, e.g. materials left outside of secure store but no breach to seals on question paper packets. Risk presented to integrity of exam, but no evidence of breach; failure to store papers appropriately but with no impact beyond increased risk.	Risk presented to integrity of exam with evidence of failure to understand regulations designed to protect exam integrity, e.g. incorrect papers removed from secure store, no second pair of eyes check, but content of papers not divulged to any unauthorised third party.	Inadvertent/ accidental failure to follow security regulations or action that has the potential to breach examination security, e.g. giving candidates the wrong paper, but breach contained to candidates within centre.	Abuse of legitimate access to confidential material, e.g. sharing live exam questions with candidates in advance of the scheduled exam time. Failure to act promptly to contain impact of security breach to centre. Failure to arrange exam clash supervision leading to significant impact.
Failure to cooperate / reporting issues	Minor non-compliance, e.g. delay in meeting investigation timescales without agreement, delay in reporting.	Failure to investigate in accordance with JCQ guidance.	Failure to report a low-impact incident of malpractice. Failure to take action as required by an awarding body.	Failure to report significant case of malpractice; failure to gather evidence; failure to respond to awarding body communications. Submission of investigation reports that are misleading or contain false information that may lead an awarding body to an incorrect conclusion.

Appendix 6 Indicative sanctions against candidates

This table is for guidance only and sanctions can be flexible applied according to the details of each individual case

In instances where the box is blank, the sanction may be used.

The structure of awarding bodies' qualifications can differ and therefore all the available sanctions may not be relevant for every qualification.

Type of offence	**Warning** (Sanction 1)	**Loss of marks** (Aggregation still permitted) (Sanctions 2-4)	**Loss of aggregation or certification opportunity** (Sanctions 5-9)
Introduction of unauthorised material into the examination room, for example:			
Own blank paper	used for rough work	used for final answers	
Calculators, dictionaries (when prohibited)	not used	used or attempted to use	
Bringing into the examination room notes in the wrong format or prohibited annotations	notes/annotations go beyond what is permitted but do not give an advantage; notes irrelevant to subject	notes/annotations are relevant and give an unfair advantage	notes/annotations introduced in a deliberate attempt to gain an advantage
Study guides and personal organisers	content irrelevant to subject	content relevant to subject	relevant to subject and evidence of use
Mobile phone or similar electronic devices (including iPod, PM3/4 player, memory sticks, Smartphone, Smartwatch)	not in the candidate's possession but make a noise in the examination room	in the candidate's possession but no evidence of being used by the candidate	in the candidate's possession and evidence of being used by the candidate
Standard sanctions:			
1. warning; **2.** loss of marks; **3.** loss of all marks gained in a component; **4.** loss of all marks gained for a unit; **5.** disqualification from the unit;		**6.** disqualification from all units in one or more qualifications taken in the series; **7.** disqualification from the whole qualification; **8.** disqualification from all qualifications taken in that series; **9.** barred from entering for examinations for a set period of time.	

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Breaches of examination conditions			
A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination rules and regulations	minor non-compliance: e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop	major non-compliance: e.g. refusing to move to a designated seat; significant amount of writing after being told to stop	related non-compliance
Failing to abide by the conditions of supervision designed to maintain the security and integrity of the examinations	leaving examination early (no loss of integrity); removing script from the examination room, but evidence of the integrity was maintained	removing script from examination room but with no proof that the script is safe; taking home materials	deliberately breaking a timetable clash supervision arrangement; removing script from the examination room and with proof that the script has been tampered with; leaving examination room early so integrity is impaired
Disruptive behaviour in the examination room or assessment session (including use of offensive language)	minor disruption lasting a short time; calling out, causing noise, turning around	repeated or prolonged disruption; unacceptably rude remarks; being removed from the examination room; taking another's possessions	warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property

Standard sanctions:

1. warning;

2. loss of marks gained for section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in the series;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series;

9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Exchange, obtaining, receiving, or passing on information which could be examination related (or the attempt to):			
Verbal communication	isolated incidents of talking before the start of the examination or after papers have been collected	taking during the examination about matters not related to the exam; accepting examination related information	talking about examination related matters during the exam; whispering answers to questions
Communication	passing/receiving written communications which clearly have no bearing on the assessment	accepting assessment related information	passing assessment related information to other candidates; helping one another; swapping scripts
Offences relating to the content of candidates' work			
The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework, non-examination assessments or portfolios	isolated words or drawings, mildly offensive, inappropriate approaches or responses	frequent mild obscenities or drawings; isolated strong obscenity; isolated mild obscenities or mildly offensive comments aimed at the examiner or member of staff	offensive comments or obscenities aimed at a member of staff, examiner or religious group; homophobic, transphobic, racist or sexist remarks or lewd drawings

Standard sanctions:

1. warning;

2. loss of marks gained for section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in the series;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series;

9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Collusion: working collaboratively with other candidates beyond what is permitted	collaborative work is apparent in a few areas, but possibly due to teacher advice; candidate unaware of the regulations	collaborative work begins to affect the examiner's ability to award a fair mark to an individual candidate	candidates' work reflects extensive similarities and identical passages; due to a deliberate attempt to share work
Plagiarism: unacknowledged copying from or reproduction of published sources (including the internet); incomplete referencing	minor amount of plagiarism/poor referencing in places	plagiarism from published work listed in the bibliography or referenced; **or** minor amount of plagiarism from a source not listed in the bibliography or referenced	plagiarism from published work not listed in the bibliography or referenced; **or** plagiarised text consists of the substance of the work submitted and the source is listed in the bibliography or referenced
Making a false declaration of authenticity		sections of work done by others, but most still the work of the candidate	most or all of the work is not that of the candidate
Copying from another candidate or allowing work to be copied (including the misuse of technology)	lending work not knowing it would be copied	permitting examination script/work to be copied; showing other candidates' answers	copying from another candidate's script, controlled assessment, coursework, non-examination assessment; borrowing work to copy
Undermining the integrity of the examinations/ assessments			
The deliberate destruction of work	minor damage to work which does not impair visibility	defacing scripts; destruction of candidate's own work	significant destruction of another candidate's work
The alteration or falsification of any results document, including certificates			falsification/forgery
Standard sanctions:			
1. warning; **2.** loss of marks gained for section; **3.** loss of all marks gained for a component; **4.** loss of all marks gained for a unit; **5.** disqualification from the unit;		**6.** disqualification from all units in one or more qualifications taken in the series; **7.** disqualification from the whole qualification; **8.** disqualification from all qualifications taken in that series; **9.** barred from entering for examinations for a set period of time.	

Type of offence	**Warning** (Sanction 1)	**Loss of marks** (Aggregation still permitted) (Sanctions 2-4)	**Loss of aggregation or certification opportunity** (Sanctions 5-9)
Misuse of, or attempted misuse of, assessment material and resources	attempting to source assessment related information online	accepting assessment related information without reporting it to the awarding body	misuse of assessment material or exam related information including: attempting to gain or gaining prior knowledge of assessment information; improper disclosure (including electronic means); receipt of assessment information from the examination room; facilitating malpractice on the part of others; passing or distributing assessment related information to others
Theft (where the candidate's work is removed or stolen)			taking somebody else's work (e.g. project/ coursework) to pass it off as one's own
Personation			deliberate use of wrong name or number; personating another individual; arranging to be personated
Behaving in a way as to undermine the integrity of the examination/ assessment			for example, attempting to obtain certificates fraudulently; attempted bribery; attempting to obtain or supply exam materials fraudulently

Standard sanctions:

1. warning;

2. loss of marks gained for section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in the series;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series;

9. barred from entering for examinations for a set period of time.

Type of offence	**Warning** (Sanction 1)	**Loss of marks** (Aggregation still permitted) (Sanctions 2-4)	**Loss of aggregation or certification opportunity** (Sanctions 5-9)
Use of social media for the exchange and circulation of real or fake assessment materialmaterialt material	attempting to source secure assessment related information on-line/via social media	accepting/receiving real or fake assessment related information via social media without reporting it to the awarding body	misuse of assessment material (real or fake) including: attempting to gain or gaining prior knowledge of assessment information via social media; improper disclosure of real or fake assessment information; passing or distributing real or fake assessment related information to others

Standard sanctions:

1. warning;

2. loss of marks gained for section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in the series;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series;

9. barred from entering for examinations for a set period of time.

Appendix 7 Illustrations of malpractice

The following illustrations of malpractice are edited examples from the historical records of all the awarding bodies which are party to the Joint Council regulations.

Please note that although specific subjects are identified in the examples below, the circumstances described and the associated actions and sanctions could be applied to any qualification as appropriate.

Centre staff malpractice

1.1 Breach of security
Exam board: Pearson
Qualification: A Level Economics

The awarding body was contacted by a candidate raising concerns that candidates at a different school had been provided with the question paper before they sat the examination. The concerns were supported by copies of text messages between candidates.

The awarding body contacted the Head of Centre and asked him to gather evidence relating to the matter, including statements from staff involved in the delivery of the examination and the candidates in question.

From the initial information and the evidence obtained by the Head of Centre, it was established that the following sequence of events had occurred. A number of candidates had been unable to sit the A Level Economics examination scheduled for the morning as they had a timetable clash with another examination. The candidates were therefore kept under supervision after completing their first examination while they waited to sit the A Level Economics examination in the afternoon. In error, an invigilator supervising the candidates intended to provide them with an old question paper for revision purposes but actually provided them with a copy of the A Level Economics paper they were shortly to sit. The candidates were aware of the error but rather than reporting it instead chose to study the paper in detail.

The awarding body reviewed the evidence and determined that the candidates should be disqualified from all of the awarding body's qualifications in that series. The Head of Centre had provided assurances regarding the measures to be taken to prevent a recurrence and so the awarding body issued the staff members responsible for the error with written warnings.

1.2 Deception
Exam Board: CCEA
Qualification: Level 2 Joinery

During the moderation process for a vocational course in Level 2 Joinery, a moderator noted the similarity in the finished products from one centre and the teachers where sanctioned for over direction. However, in a follow up meeting a more senior moderator was asked to review all work in the centre but during this review a further issue arose. It became clear that work for a number of candidates had been photographed using the same final pieces as evidence for their portfolios and in light of this a center visit was arranged and from this visit it was clear photographs in candidate portfolios did not match work retained in the center for the candidates.

The centre stated all students completed the tasks and there is no evidence of student impropriety. They stated there was a need for development in how the centre records student progress but tutors are busy managing delivery of the course and so cannot be on hand to photograph all stages of candidate work and that this may explain the disparity in photographs. The statements from the teachers reinforced the above; they stated with lots of one-to-one coaching confusion can take place when taking photographs. They described students' behaviour as challenging and stated that some don't want to get their work photographed and that when photographing a number of students' similar work can create confusion. The committee stated that some of the classes may be challenging but that when the centre undertakes to deliver the qualification they are required to ensure that it can be delivered properly with work authenticated.

The committee concluded in light of the evidence provided both tutors had been guilty of malpractice: manufacturing evidence of competence; substituting one candidate's work for another; and authenticated work as belonging to candidates when it had not. The committee agreed that the Sanction 3 special conditions should include; undertake training; have all submissions reviewed by senior staff to ensure authentication of work prior to samples being submitted.

The committee agreed that, given the seriousness of the malpractice, the apparent lack of awareness in the centre written submissions of the inappropriateness of the tutors' behaviour and the seeming lack of procedures in the centre around delivering the subject that centre sanctions should be applied. It was concluded that these should be Sanction 1: written warning and Sanction 2: review and report and that as part of this an action plan will be requested, and also copies of all development activities proposed to be completed in August and the signed off quality procedures.

1.3 Improper assistance to candidates

Board: AQA

Qualification: GCSE Art & Design:

The Head of Centre reported the following allegation regarding the administration of the GCSE Art and Design externally set assignment Non-examined assessment (NEA):

' During the Art examination for the three students it was alleged that examination rules were broken. From the initial fact find we now have evidence to suggest that the teacher responsible for administering this assessment allowed the students to listen to music via their headphones and provided direction to at least two of the three students. The direction included drawing an outline of a fruit bowl and for another student the direction was with regards to the use of shading'.

In response to the allegation received, the awarding body requested that a member of the centre's senior leadership team, with no line management responsibilities for the department involved or personal interest in the outcome of the investigation, interview the members of centre staff and candidates involved:

- The teacher responsible for administering the assessment
- The invigilator overseeing the assessment
- The three candidates present in the exam room

Following careful consideration of the evidence provided, the Lead Investigator was satisfied that this case should be put before the Malpractice Committee.

Based on the evidence collected, the Malpractice Committee was asked to consider, as separate issues, whether or not the centre staff involved, on the balance of probability, had committed malpractice and, if malpractice was established, whether a sanction should be applied.

The offences considered were improper assistance and maladministration.

After careful consideration of all the evidence put forward within the case papers, the Committee reached the conclusion that the teacher responsible for administering the assessment had:

- provided improper assistance by assisting candidates in the production of non-exam assessment (NEA), beyond the extent permitted by the regulations;

  that both members of staff had:

- committed maladministration by allowing candidates to listen to music, and in doing so, failed to adhere to the regulations regarding the conduct of non-examination assessments.

In accordance with JCQ Centre Staff Sanctions Tariff recommendations, the teacher was barred from involvement in the awarding body's examinations for a period of one year to be followed by one year in which the member of staff must not have any unsupervised involvement in examinations for that awarding body.

The Malpractice Committee accepted the mitigating circumstance put forward by the Invigilator in this case and so determined not to impose any sanction or penalty on this individual. The committee did, however, recommend that the invigilator complete additional training prior to involvement in future examinations and assessments.

The awarding body decided it could not accept the work of the candidates for the unit. Candidates were instead issued with an assessed grade using the Z-score method.

1.4 Maladministration

Exam Board: OCR
Qualification: GCE A Level Art and Design, GCE AS Level Art and Design, GCSE Art and Design, GCSE Art and Design

The centre reported concerns around administration of art exams and coursework at both GCSE and GCE level:

Candidates had access to their mobile phones during the timed assessments and candidates' work had not been kept secure following the commencement and completion of the timed assessments

The evidence indicated that assessments may not have been conducted to appropriate timings and there was further evidence that the Head of Art had tampered with a candidate's painting

- Posters relating to conduct in the Art examination were not displayed.
- There was evidence that timings of the examinations were not strictly enforced.
- The Head of Art allowed pupils to access coursework and timed examination pieces after the deadline and the marks had been collated.
- The Head of Art admitted that the administration of the examinations was not in line with JCQ regulations and that they had not read the JCQ regulations or invigilation information that had been given to staff.
- Pupils were allowed to listen to music on their mobile phones and no guarantee could be given that that was all they had done.
- The Head of Art took a paintbrush and painted one large stroke and then several others across a candidate's work.

After careful examination of the evidence it was decided that the case clearly showed failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, as well as malpractice in the conduct of examinations/assessments.

The Malpractice Committee applied a 4 year suspension.

Candidate Malpractice

2.1 Plagiarism

Exam Board: OCR
Qualification: Cambridge Nationals Creative iMedia

Suspected plagiarism was identified in the work of several candidates during the moderation process. An investigation confirmed that candidates had been taught about plagiarism including the need to reference their work and that they must not copy and paste from the internet.

The plagiarised material was predominantly confined to facts and definitions, particularly of file type, knowledge of which is a requirement of one of the tasks and key learning objectives.

The evidence showed that staff malpractice had not taken place because candidates had been taught about plagiarism, in fact, with the exception of two candidates, the candidates who had been identified as having plagiarised had made an attempt to re-word / paraphrase the information taken from the internet, demonstrating an understanding of plagiarism. The technical nature of the information plagiarised meant it was difficult to accurately define it without using specific words or phrases found in definitions on the internet.

As a result of the investigation, the two candidates who were identified as having copied and pasted information without making any changes were given a warning.

2.2 Copying and collusion

Exam Board: NCFE
Qualification: Functional Skills L3 Mathematics

The examiner reported that multiple answers in the scripts of two candidates (Candidate A & Candidate B) from one centre were similar.

The awarding body contacted the Head of Centre to advise of the issues identified by the examiner and requested that they conduct an internal investigation to establish the course of events which led to candidates A and B submitting similar responses.

The Head of Centre reported back to the awarding body that, when interviewed, candidate A had admitted to copying extracts from candidate B's work. The investigation findings highlighted that the centre had failed to ensure the assessment room set up was in line with the required regulations. Therefore the distance at which candidates were seated was insufficient, enabling candidate A to view the work of candidate B.

As a result Candidate A was disqualified from the qualification (penalty 7).

In addition the invigilator received a warning and the requirement for further training.

2.3 Use of social media

Exam Board: WJEC
Qualification: GCSE Chemistry

At approximately midday on the day of the exam, two candidates from Centre A received an Instagram post which contained the images of six pages from what was claimed to be the examination paper these candidates were to sit on the afternoon of the same day.

The two candidates reported it to their teacher immediately and without delay the centre contacted the examination board and sent a copy of the images to the exam board.

Although the two candidates were not sure of the full name of the person they followed on Instagram, they knew he was a student in a nearby school.

The exam board confirmed that the images were of the live paper timetabled for the afternoon of that day.

The screen shot images showed the sender's profile name which was a corruption of a proper name. The exam board searched its entry records for candidates with similar names and found one particular candidate at Centre B, which is geographically near to Centre A.

The exam board contacted the Examinations Officer at Centre B who confirmed that the suspected candidate was at that centre and had a timetable clash that day. The Exams Officer confirmed that the candidate had sat the paper in question earlier on that day. The candidate had completed the exam and was currently under supervision between exams.

When approached about the allegation, the candidate immediately admitted to smuggling a mobile phone into the exam room and photographing pages of the paper which they then posted on Instagram.

A list of Instagram followers profile names was taken from the mobile phone and forwarded to the exams board. The images were removed by deleting the Instagram post at approximately 1.00pm.

A wider investigation was undertaken by the exam board to ascertain the extent of the potential breach of security. The two students at Centre A gave written statements which confirmed they had seen the message title and had only briefly seen the first page of the exam paper, but not the rest of the images.

Out of the remaining 15 followers who had been sent the post, 12 could be identified from their profile name. The accused candidate stated he did not know the other 3 candidates' names. Eight of the followers were also at Centre B and were sitting the same paper early and had also been under supervision and did not have a phone in their possession at the time. The remaining four candidates at other centres were contacted and fortunately they had either not taken a phone to school that day or not seen the post while they were in a revision lesson at the time. Social media monitoring over that paper's exposure period and afterwards did not find anything of concern.

A preliminary review of the case found it to be straight forward and the conduct of the candidate was seen to be uncontested.

The case was referred to another exam board officer who decided to give the candidate a sanction of a loss of aggregation for the qualification. No application for appeal was made by the centre or candidate.

2.4 Unauthorised Materials

Exam Board: Pearson
Qualification: Level 2 Business

The centre submitted a JCQ M1 form to notify the awarding body of a suspected case of candidate malpractice in the delivery of a written exam.

The centre explained that at the end of the exam, having indicated that they were finished, a candidate removed a mobile phone from their pocket and began using it. The centre reported that the invigilator immediately confiscated the phone. The candidate's question paper remained closed throughout.

In addition to the JCQ M1 Form, the centre submitted an incident log detailing the above events, which the candidate and invigilator signed. The centre stated that the candidate was given the opportunity to submit a written statement but declined.

The centre explained that all candidates were informed of the rules in a school assembly and in class before exams were sat. JCQ warning posters and the information for candidates were displayed outside each exam room. Candidates were reminded before entering the room to make sure their phones were off and in their bags. The candidate in question answered 'yes' before the exam when asked if they had they done so.

The candidate was found to be in breach of JCQ regulations regarding possession of unauthorised material and the awarding organisation disqualified them from the unit. The candidate was therefore unable to certificate (achieve the qualification) in that series.

JCQ/M1

Suspected candidate malpractice

Confidential

This form is to be used by centres to report instances of suspected candidate malpractice.

For guidance on how to complete this form please **see page 7**.

Awarding body

Date of incident	**Time (AM/PM session)**

Centre number						**Centre name and address**

Head of centre's e-mail address	**Head of centre's telephone number**

Candidate number(s)	**Candidate name(s)**

Examination/Assessment details

Qualification or specification code	Qualification or specification title
Component/unit code/batch number	**Component/unit title**

Name(s) of invigilator(s)/assessment personnel or other witness/witnesses

Name	Role

Complete Sections A, B, C and D as indicated.

Section A (All qualifications)

Describe the nature of the suspected candidate malpractice including details as to how it was discovered, by whom and when.

Section B (Vocational qualifications only)

Describe how the candidates were made aware of the examination or assessment regulations.

Section C
(All general qualifications and other qualifications if applicable)

Examinations

Was the *Warning to Candidates* displayed outside the examination room? (either by means of a projector or in hard copy paper format)

YES	☐
NO	☐

Had the candidate(s) been issued with a copy of the *Information for candidates*? (either electronically or a paper version)

YES	☐
NO	☐

Were candidates reminded of examination regulations at the beginning of this particular examination?

YES	☐
NO	☐

Coursework / non-examination assessment

Had the candidate(s) been issued with a declaration of authentication?

YES	☐
NO	☐

Had the candidate(s) signed the declaration of authentication stating that all work completed was the candidate's own?

YES	☐
NO	☐

Was the *Information for candidates* issued to the candidate(s) prior to signing the declaration of authentication?

YES	☐
NO	☐

Section D **(All qualifications)**

If the incident involves disruptive behaviour, did the candidate's behaviour cause disturbance to other candidates?

YES	☐
NO	☐

If the answer to the above question is yes and you wish to request special consideration for other candidates, please submit an application for special consideration in the normal way.

If the incident involves the introduction of unauthorised material, is the unauthorised material enclosed?

YES	☐
NO	☐

If the answer to the above question is no, please give details below of the nature of the unauthorised material.

If the case involves plagiarism please provide full details (i.e. title, author, edition, website, etc.) of

the material plagiarised and include copies if possible.

If there are any other details you feel are relevant to this allegation, including mitigating circumstances, please give further information below.

Supporting evidence

Please indicate below the supporting evidence submitted with this report. All relevant information and materials **must** be submitted at this time. Evidence submitted subsequently may not be considered.

If submitting this form by e-mail, please ensure that all supporting documents are scanned and attached (preferably as PDF documents) to the same e-mail.

Evidence submitted with this form	
Statement(s) from invigilator(s)	☐
Statement from teacher/tutor/head of subject/assessor/internal verifier	☐
Statement from examinations officer	☐
Statement(s) from candidate(s)	☐
Statement from employer	☐
Seating plan of examination room	☐
Unauthorised material removed from the candidate(s)	☐
Copies of sources of plagiarised material	☐
Assessment and Internal Verification or Moderation records	☐
Other (please give details)	☐

If statement(s) from the candidate(s) is/are not enclosed, please put a cross in this box to indicate that the candidate(s) has/have been given the opportunity to make a statement, but has/have chosen not to do so. ☐

To be completed by the head of centre

Name (please print)		**Tel No.**	
Signature*		**Date**	

* Submission by e-mail from the centre's registered e-mail address will be accepted in place of a signature.

NOTES ON THE COMPLETION OF FORM JCQ/M1

This form **must** be used by the head of the centre to notify the appropriate awarding body of an instance of suspected candidate malpractice in the conduct of examinations or assessments. It can also be used to provide a report on investigations into instances of suspected malpractice.

In order to prevent the issue of erroneous results and certificates, it is essential that the awarding body concerned is notified immediately of instances of suspected candidate malpractice.

Full details of the procedures which **must** be followed when investigating cases of suspected malpractice can be found in the JCQ publication: *Suspected Malpractice in Examinations and Assessments: Policies and Procedures* - http://www.jcq.org.uk/exams-office/malpractice

Reports on investigations from centres **must** include:

- a detailed account of the circumstances surrounding the suspected candidate malpractice including, in the case of disruptive behaviour, an indication as to whether the behaviour continued after warnings were given, and whether the candidate was removed from the examination room/assessment situation or not;
- the procedures for advising candidates of the regulations concerning the conduct of examinations and/or assessments;
- a report of any investigation carried out subsequently by the centre;
- signed and dated statements from the staff concerned (e.g. invigilators, assessors, teachers, tutors, etc.) on the centre's official letterheaded paper;
- signed and dated statements from the candidate(s) concerned or a clear indication that they have been given the opportunity to make a statement; (In circumstances which make it inappropriate to interview the candidate, the centre should discuss the case in confidence with the awarding body.)
- seating plans of the examination room (if appropriate).

This form is intended to be used as the basis for the report.

If the first four pages of the form are printed on A3 paper, and backed, it can be used as a coversheet for supporting documentation.

This form may be submitted either by post or by e-mail. Submission by e-mail from the centre's registered e-mail address will be accepted in place of a signature.
When submitting the form by e-mail, all supporting documents should be scanned and attached (preferably as PDF documents) to the same e-mail, and the originals retained within the centre. Reports which require the inclusion of lengthy documents or candidate work should be sent by post. Centres must not submit the same report by both methods.

The awarding body concerned will acknowledge receipt of this form.

Report of suspected candidate malpractice

This checklist is intended to assist centres when completing a report of suspected candidate malpractice.

It is the responsibility of the head of centre to ensure that these requirements have been met.

Reference is made to the requirements detailed in the JCQ document:
Suspected Malpractice in Examinations and Assessments – Policies and Procedures
http://www.jcq.org.uk/exams-office/malpractice

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The candidate(s) has/have been informed of their individual responsibilities and rights **(section 2.5)**.	☐	☐
2.	A candidate or candidates accused of malpractice:		
	• has/have been informed (preferably in writing) of the allegation made against him or her;	☐	☐
	• has/have been advised that a copy of the JCQ *publication Suspected Malpractice in Examinations and Assessments: Policies and Procedures* can be found on the JCQ website;	☐	☐
	• know(s) what evidence there is to support the allegation;	☐	☐
	• know(s) the possible consequences should malpractice be proven;	☐	☐
	• has/have had the opportunity to consider their response to the allegations (if required);	☐	☐
	• has/have had an opportunity to submit a written statement;	☐	☐
	• has/have had an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);	☐	☐
	• has/have been informed of the applicable appeals procedure should a decision be made against him or her;	☐	☐
	• has/have been informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.	☐	☐

Appendix 9 JCQ M2 Notification of Suspected Malpractice/ Maladministration Involving Centre Staff

JCQ/M2

Notification of suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by a head of centre **before** an investigation commences to notify an awarding body of an instance of alleged, suspected or actual malpractice or maladministration. **It must be completed and submitted to the appropriate awarding body immediately a suspicion is raised or an allegation received.**

Awarding body

Centre number

Centre name and address

Head of centre's e-mail address

Head of centre's telephone number

Name of head of centre

Date incident was reported to centre management

Name(s) of centre staff involved	**Position**

Details of examinations/assessments involved

Qualification, unit or specification code	**Qualification, unit or specification title**

Date and time of incident

Describe the nature of the suspected malpractice/maladministration, including details as to how it was discovered by whom and when.

Could the candidates have been unfairly advantaged or disadvantaged by the suspected malpractice/maladministration? If so, please give details.

Describe the steps the centre management propose to take to gather evidence relating to this matter.

Individual proposed to gather evidence

Name:	
Role within centre/organisation:	
Reason why suitable to gather evidence (e.g. experienced senior leader):	

Have you and the individual proposed to gather evidence read the JCQ guidance on conflicts of interest and personal interest at sections 2.5 and 6.3 and Appendix 3 within the JCQ Suspected Malpractice Policies and Procedures?	YES ☐	NO ☐
Does the individual proposed to gather evidence have any known conflicts of interest or personal interest in the outcome of the investigation?	YES ☐	NO ☐

Name and position: _____

Signed: _____

Date: _____

Appendix 10 Report into suspected malpractice/maladministration involving centre staff

JCQ M3

Report into suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by a head of centre following the gathering of evidence related to an investigation into an instance of suspected malpractice or maladministration. It **must** be completed and submitted to the appropriate awarding body together with supporting statements and documentation.

If the gathering of evidence has not yet commenced please use **Form JCQ/M2** *Notification of suspected malpractice/maladministration* which can be found on the JCQ website – http://www.jcq.org.uk/exams-office/malpractice

Awarding body

Centre number

Centre name and address

Head of centre's e-mail address

Head of centre's telephone number

Name of head of centre

Name(s) of centre staff involved **Position**

Details of examinations/assessments involved

Qualification, unit or specification code	**Qualification, unit or specification title**

Date and time of incident

Individual(s) who gathered evidence

Name:	
Role within centre/organisation:	
Reason why suitable to gather evidence (e.g. experienced senior leader):	

Did any external people (e.g. local authority personnel, union officers) assist in the gathering of evidence? If so, please give details:

Name(s) **Position**

Give details of the evidence you have obtained and your findings

Where malpractice (including maladministration) has been identified, please use the box below to provide:

- **details of the actions your centre proposes to take to mitigate the impact on candidates; and**
- **details of the actions your centre proposes to take to prevent a recurrence of similar incidents in future**

Name and position (please print): _____

Signed: _____

Date: _____

Report into suspected malpractice/maladministration involving centre staff

This checklist is intended to assist centres when gathering evidence for an investigation into suspected malpractice or maladministration involving centre staff. Once completed, it **must** be submitted to the awarding body together with the supporting statements and documentation. **It is the responsibility of the head of centre to ensure that these requirements have been met.**

Reference is made to the requirements detailed in the JCQ document:

Suspected Malpractice Policies and Procedures

Name of centre staff member: _____

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The accused member of staff has been informed of their individual responsibilities and rights **(sections 2.5 and 6.14)**.	☐	☐
2.	The member of staff accused of malpractice should:		
	• be informed (preferably in writing) of the allegation made against him or her (**include a copy of any letter/notification in the submission**);	☐	☐
	• be provided with a copy of the JCQ publication *Suspected Malpractice Policies and Procedures*;	☐	☐
	• know what evidence there is to support the allegation (**provide full details in the submission to the awarding body**);	☐	☐
	• know the possible consequences should malpractice be proven;	☐	☐
	• have the opportunity to consider their response to the allegations (**provide a verified record of any interviews conducted**);	☐	☐
	• have an opportunity to submit a written statement (**provide a copy of all statements**);	☐	☐
	• be informed that he/she will have the opportunity to read and make a statement in response to the submission to the awarding body's 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 and other appropriate authorities.	☐	☐

This form must be enclosed with the report and any other relevant evidence.

Appendix 11 Contacts

AQA
Irregularities/Malpractice
AQA
Devas Street
Manchester M15 6EX
irregularities@aqa.org.uk

CCEA
The Compliance Team
29 Clarendon Road
Belfast BT1 3BG
malpractice@ccea.org.uk

City & Guilds
Investigation and Compliance
5-6 Giltspur Street
London EC1A 9DD
investigationandcompliance@cityandguilds.com

NCFE
Customer Compliance & Investigations Team
Q6, Quorum Park
Benton Lane
Newcastle Upon Tyne NE12 8BT
CustomerCompliance@ncfe.org.uk

OCR
Vocational Qualifications
Compliance Team
Progress House
Westwood Way
Coventry CV4 8JQ
malpractice@ocr.org.uk

General Qualifications
Compliance Team
The Triangle Building
Shaftesbury Road
Cambridge
CB2 8EA
malpractice@ocr.org.uk

Pearson
Investigations Team
80 Strand
London WC2R 0RL
pqsmalpractice@pearson.com

Candidate Malpractice
Investigations Processing Team
Lowton House, Lowton Way
Hellaby Business Park
Rotherham S66 8SS
candidatemalpractice@pearson.com

WJEC/CBAC
245 Western Avenue
Cardiff CF5 2YX
malpractice@wjec.co.uk