

Malpractice Policy

2023-24

For the attention of: All Staff
Produced by: Group Exams Manager
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Vision, Purpose & Values

Our Vision

Our students will be recognised locally & nationally for their positive impact on the communities and industries in which they choose to work.

Our Purpose

To inspire our students to gain the skills, knowledge and behaviours they need to be resilient and thrive in an ever-changing world.

Our Values

Excellence: A culture of creativity, high expectations, ambition and aspiration

Respect: Showing fairness, courtesy and mutual respect to each other and our environment

Integrity: Honesty, openness and trust at the heart of College life

Diversity: Celebrating diversity and inclusivity as a key to our success

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1. Introduction

What is malpractice and maladministration?

- (SMPP 1)

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. This policy and procedure uses the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means any act, default or practice which is:

- a breach of the Regulations
- a breach of awarding body requirements regarding how a qualification should be delivered
- a failure to follow established procedures in relation to a qualification

which:

- gives rise to prejudice to candidates compromises public confidence in qualifications
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre
- For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (SMPP 2)

2. Purpose of the Policy

The purpose of this policy is to confirm how The Centre manages malpractice under normal delivery arrangements in accordance with the regulations.

3. General Principles

In accordance with the regulations WFCG will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a

candidate or a member of staff, by completing the appropriate documentation (GR 5.11)

- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected malpractice – Policies and procedures** and provide such information and advice as the awarding body may reasonably require (GR 5.11)

Candidate malpractice

- 'Candidate malpractice' means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper (SMPP 2)

Centre staff malpractice

- 'Centre staff malpractice' means malpractice committed by:
- a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or
- an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe (SMPP 2)

4. Preventing Malpractice

WFCG has in place:

- robust processes to prevent and identify malpractice, as outlined in section 3.3 of the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.3)

These include but are not limited to:

- Ensure that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the JCQ documents above and any further awarding body guidance.
- Key dates are published and internal deadlines are set
- Exam officers/invigilators are appropriately trained, resourced and supported

- Ensure that exams at alternative sites are conducted in accordance with JCQ ICE requirements.
- Ensure that all staff who manage and implement special consideration and access arrangements are aware of the requirements and are appropriately supported and resourced.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials, including via social media.
- Ensure that examination clash arrangements are planned and managed effectively.
- Ensure that staff delivering/assessing coursework or non-examination assessments have robust processes in place for identifying and reporting plagiarism or other potential candidate malpractice.
- Ensure that the centre has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.

5. Identification and Reporting of Malpractice

The Head of Centre:

- will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.1.3)
- will use Form JCQ/M1 to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration (SMPP 4.4, 4.6)
- will be accountable for ensuring the centre and centre staff comply at all times with the awarding body's instructions regarding an investigation
- will ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/appropriate adult is kept informed of the progress of the investigation

- ensure that if it is necessary to delegate the gathering of information to a senior member of centre staff, the awarding body's agreement is obtained and 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;
- at all times comply with data protection law;
- pass on to the individuals concerned any warnings or notifications of sanctions and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

The Centre:

- Form JCQ/MI should be used to notify an awarding body of an incident of candidate malpractice. The form is available from the JCQ website. Notifications in letter format will be accepted but must provide the information as required by the form.
- 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.

- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M2 will be used
- Upon receipt of a JCQ/M2 form, the awarding body will review the information provided and determine the appropriate next steps for the investigation (see sections 4.15–4.17). The centre should not proceed with further information gathering until authorisation has been received from the awarding body

6. Information Gathering

- Any allegation that the awarding body decides requires investigation will need an individual appointed to gather information. This is to determine whether or not there is any evidence to support the allegation made.
- An allegation of malpractice is unproven until the relevant information has been gathered and considered.
- An investigation will allow the awarding body to make a decision on a case – this may be that there is no case to answer as, following investigation, there is no evidence to support the allegation. Alternatively, it may lead to a finding of malpractice which could then incur a sanction for an individual or individuals, or a centre (see sections 7–10).
- The awarding body will determine who should gather information for the investigation. The individuals that can be chosen are:
 - the head of centre;
 - the Chair of Governors of the centre;
 - the responsible employer (or his/her nominee), e.g. Director of Education, the CEO of a multi-academy trust
 - awarding body staff from the malpractice investigation team; or
 - another suitably qualified individual such as an Ofsted Inspector or the head of another school in the same multi-academy trust.
- The person gathering information must have no personal or other conflict of interest in the outcome of the investigation.
- An awarding body would usually expect the head of centre, or a senior staff member nominated by the head, to gather information on its behalf. Whoever gathers information must have no personal interest in doing so

- Where the head of centre wishes to appoint a staff member to gather information, the agreement of the awarding body must be obtained first. Overall responsibility will always lie with the head of centre. The head of centre must deal with the evidence/information gathering in accordance with the deadlines and requirements set by the awarding body.
- 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) will be informed of the rights of accused individuals (SMPP 5.32)
- Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (SMPP 5.34)
- The awarding body will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly (SMPP 5.39)

7. Communicating Malpractice Decisions

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

8. Appeals Against Decisions Made in Cases of Malpractice

WFCG will:

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

For full JCQ guidance on Malpractice:

https://www.jcq.org.uk/wp-content/uploads/2023/09/Malpractice_Sep23_FINAL.pdf