

LINK19 College



MALPRACTICE and MALADMINISTRATION POLICY

Date: Summer 2023

Review Date: Summer 2026

LINK19 College

Malpractice and Maladministration Policy

This policy will be reviewed every three years but will be updated sooner if required following the publication of updated JCQ regulations.

LINK19 College follows the JCQ guidance on malpractice should any case of suspected malpractice arise, go to <https://www.jcq.org.uk/exams-office/malpractice/>. For awarding bodies that do not follow JCQ regulations, this Malpractice and Maladministration Policy will be followed in addition to the specific awarding bodies own guidance on Malpractice.

Definition of Malpractice

Malpractice is an act, default or practice which is in breach of the regulations. This relates to the conduct of Controlled Assessments, Non-Examination Assessments (NEAs), coursework and examinations.

'*Suspected malpractice*' means all alleged or suspected incidents of malpractice. If a centre fails to investigate allegations of suspected malpractice this also constitutes malpractice by the centre.

Centre Staff Malpractice

This relates to malpractice committed by a member of staff. This could be a teacher, invigilator, oral language modifier, practical assistant, prompter, reader, scribe or sign language interpreter.

Some examples of this could be:

- breach of security - failing to keep question papers or materials secure, adjusting the time of the examination or tampering with candidates work prior to moderation.
- deception - changing marks for NEAs, tampering with candidates work prior to moderation, making up assessments or internal verification records.
- improper assistance to candidates - assisting candidates with their work when not allowed to do so, permitting prohibited items into an exam room, prompting candidates during controlled assessments or examinations.
- Maladministration - failure to ensure controlled assessments, coursework and NEAs have been completed under controlled conditions, failing to inform the awarding body of an alternative site for examinations/assessments, access arrangements being used incorrectly for examinations or assessments.

Candidate Malpractice

This relates to malpractice by a candidate in any examination or assessment – including NEAs, controlled assessments and coursework.

Some examples of this could be:

- Copying from another candidate or allowing work to be copied.
- Being in possession of confidential material in advance of the examination.
- Allowing others to assist in the production of work when not allowed.
- Plagiarism (taking someone else's work or ideas and passing them off as one's own).
- Using books, internet or other sources without acknowledgement.
- Bringing unauthorised material into the examination room or assessment.
- Behaving in a manner which undermines the integrity of the examination/assessment.
- Misuse of AI (Artificial Intelligence) in exams, reference will be made to the JCQ document **AI Use in Assessments: Protecting the Integrity of Qualifications**

Definition of Maladministration

Maladministration is essentially any activity or practice, which results in non-compliance with administrative regulations and requirements and include the application of persistent mistakes or poor administration within a centre (e.g. inappropriate candidate records).

Examples of maladministration

The categories listed below provide some examples of centre and learner maladministration.

Examples include but are not limited to:

- Failure to adhere to learner registration and certification procedures of examination boards
- Continual late learner registration
- Inaccurate or fraudulent claims for certificates
- Failure to maintain appropriate auditable records, e.g. certificate claim and/or forgery of evidence
- Unreasonable delays in responding to requests or communications from awarding body organisations including deliberate acts of omission of information
- Inappropriate administration arrangements and or records management
- Deliberate misuse of examination board logo's
- Failure to carry out actions identified by our external verifiers in the required timescales

Suspected malpractice/maladministration identified by a centre

Where suspected malpractice/maladministration is identified by a centre, the Head of Centre must inform the awarding body immediately. They will then investigate all allegations. The full facts will be determined and noted on the relevant form (Appendices 1, 2 and 3). This will include a statement of facts, a detailed account of the alleged malpractice/maladministration and details of any investigations carried out by the centre.

Some awarding bodies may have their own '*notification of malpractice*' form, so this must be used if one exists. The JCQ template for notifying a candidate that suspected malpractice has been made against them will be used, see appendix 4.

Centre Staff Malpractice/Maladministration Procedure

The member of staff in question will be informed in writing of the allegation against them and invited to attend a meeting with the Head of Centre and another Senior Leadership Team member. This meeting will give them the opportunity to respond to the allegation made against them and put across their statement.

The member of staff will also be told at the end of the meeting about the Appeals Process should a decision be made against them. This will be the awarding body's own Appeals Policy.

Any witnesses to the suspected malpractice/maladministration will also be written to and interviewed separately. They will be asked to provide a written statement before attending the interview.

The full report will be sent to the awarding body in question for them to respond back to the Head of Centre. If they feel that a sanction is necessary, they will advise the college.

Where a member of staff has been found guilty of malpractice/maladministration, an awarding body may impose the following sanctions as examples:

- Written warning – this could state more serious sanctions if malpractice/maladministration occurs again.
- Further training – it could be a condition that this is undertaken before they are involved with any future assessments.
- Special conditions – it could be stated that any work undertaken by the member of staff is supervised should they be involved with any future assessments.
- Suspension from assessments – this may be for a set period of time.
- Dismissal - if the malpractice/maladministration constitutes gross professional misconduct.

Candidate Malpractice Procedure

The candidate in question will be informed in writing of the allegation against them and invited to attend a meeting with their parent/carer, Head of Centre and another Senior Leadership Team member. This meeting will give them the opportunity to respond to the allegations made against them and share their statement.

The candidate and their parent/carer will also be told at the end of the meeting about the Appeals Process should a decision be made against them. This will be the awarding body's own Appeals Policy.

Any witnesses to the suspected malpractice/maladministration will also be written to and interviewed separately. They will be asked to provide a written statement before attending the interview.

The full report will then be sent to the awarding body in question for them to respond back to the Head of Centre. If they feel that a sanction is necessary, they will advise the college.

Where a candidate has been found guilty of malpractice/maladministration, an awarding body may impose the following sanctions as examples:

- warning
- loss of marks for a section
- loss of marks for a component
- loss of all marks for a unit
- disqualification from a unit
- disqualification from all units in one or more qualification
- disqualification from a whole qualification
- disqualification from all qualifications taken in that series

The Exams Policy, including the Malpractice and Maladministration Policy, is accessible to candidates and their parents/carers on the college website. Candidates are informed of this by the staff teaching them. Staff have access to all college policies as a hard copy or online and are informed of this via the staff handbook.

Single Equalities Scheme impact Assessment (Equalities Act 2010)

This policy has been developed to ensure that there is no negative or adverse impact on any individual or group in terms of disability, race, belief, gender, sexual orientation or age. All opportunities for potential positive impact on individuals, groups and the community are embedded within the ethos, vision and values of the college.

LINK19 College is committed to achieving Best Value in all decisions made. We use the principles of Best Value as they apply to securing continuous improvement in this college.

Date: Summer 2023

Review Date: Summer 2026

APPROVED by LINK19 College board of Directors.

Signed by LINK19 College Lead:



Centre Staff Malpractice/Maladministration Form

Awarding Body

Centre Number

Centre Address

Head of Centre Name:

Contact telephone number:

Head of Centre Email:

Date of Incident:

Name of centre staff involved and if alleged staff member or witness:

Details of qualification affected:

Nature of suspected malpractice/maladministration:

Could candidates have been unfairly advantaged or disadvantaged – if so, provide details:

Name:

Position:

Date:



Centre Staff Malpractice/Maladministration Report

Awarding Body

Centre Number

Centre Address

Head of Centre Name:

Contact telephone number:

Head of Centre Email:

Date of Incident:

Name and position of centre staff involved in suspected malpractice/maladministration:

Details of qualification affected:

Details of investigation and findings:

Name:

Position:

Date:



Candidate Malpractice/Maladministration Report

Awarding Body

Centre Number

Centre Address

Head of Centre Name:

Contact telephone number:

Head of Centre Email:

Date of Incident:

Candidate Name & Number:

Details of qualification affected:

Name of invigilator and/or witness(es):

Describe the nature of the suspected malpractice/maladministration:

Name:

Position:

Date:

SUSPECTED MALPRACTICE: CANDIDATE NOTIFICATION FORM

Date		Candidate Name	
------	--	----------------	--

This notification is to inform you/confirm to you [insert as/if relevant to the candidate, and your parent/carer/appropriate adult] that an alleged, suspected or actual report of malpractice has been made against you.

Details of the allegation / incident

Type of offence

As an approved examination centre, [insert centre name] is required to follow the policies and procedures in the JCQ **Suspected Malpractice: Policies and Procedures** [publication available](http://www.jcq.org.uk/exams-office/malpractice) here www.jcq.org.uk/exams-office/malpractice.

As stated in this publication (section 4.1), the head of centre **must** notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice.

Enclosed [Attached (if sending this notification by email)] you are provided with:

- a copy of the form **JCQ/M1** which will be used to report the allegation/incident to the awarding body supported by copies of any supporting evidence, where relevant
- details of (section 5.33) **Rights of the accused individuals** taken from the publication referenced above

As further stated in this publication (sections 7, 10), awarding bodies will impose sanctions on individuals found guilty of malpractice where appropriate. You may therefore also want to refer to Appendix 6 (**Indicative sanctions against candidates**) of this publication.

The awarding body will not communicate with you directly unless particular circumstances warrant this. Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible (section 11).

On receiving communication from the awarding body, the head of centre will communicate the decision to you and pass on details of any sanction(s) and action imposed on you, together with information on the process for submitting an appeal, where relevant.

It should be noted that awarding bodies may share information relating to a serious case of malpractice with the regulators, other awarding bodies, and other appropriate bodies in accordance with sections 11.2-3 of the JCQ publication referenced above.

Please read through all the information provided to you. If anything is unclear, please contact [insert name and/or job title and relevant contact details].

Enclosures [Attachments]:

Copy of form **JCQ/M1** (and supporting evidence where relevant)

Details of **Rights of the accused individuals**

The information below was taken directly from the JCQ publication **Suspected Malpractice: Policies and Procedures** (1 September 2023 to 31 August 2024) on 04/10/2023.

Rights of the accused individuals – information gathering

5.33 If, in the view of the information-gatherer, there is sufficient evidence that an individual may have committed malpractice, that individual (the candidate or the member of staff) must:

- be informed (preferably in writing) of the allegation made against them;
- be provided with a copy of the JCQ document *Suspected Malpractice: Policies and Procedures*: <http://www.jcq.org.uk/exams-office/malpractice>;
- be made aware of all evidence that has been obtained during the investigation which supports the allegation;
- know the possible consequences should malpractice be proven (as set out in appendices 4–6);
- have the opportunity and sufficient time to consider their response to the allegations;
- be given an opportunity to submit a written statement in response to the allegations;
- be provided with a complete set of case documentation, in the event of the case being referred to the awarding body's Malpractice Committee;
- be informed that in the event that the case is referred to the awarding body's Malpractice Committee, they will:
 - be provided with a complete set of case documentation
 - have the opportunity to read, and make a statement in response to, the case documentation
 - have the opportunity to seek professional advice and to provide a supplementary statement;
- be made aware of their right to appeal should a sanction be applied to them (as set out in the JCQ document *A Guide to the Awarding Bodies' Appeals Processes*): <http://www.jcq.org.uk/exams-office/appeals>