



Reference: **QI_03**

Policy: **Malpractice and Maladministration Policy**

Owned by: **Director of Quality of Education**

Approved by: **Q & C Committee**

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This policy is supported by the following procedures:

- a) QI_03_01 Academic Misconduct Procedure (FE) – This procedure clarifies how this policy operates with respect to Further Education students at the College.
- b) QI_03_02 Academic Misconduct Procedure (HE) – This procedure clarifies how this policy operates with respect to Higher Education students at the College.

Malpractice & Maladministration Policy

This policy relates to suspected or actual malpractice and maladministration on the part of candidates, staff and any others involved in providing qualifications.

It sets out the steps the College, students or other personnel must follow when reporting suspected or actual cases of malpractice/ maladministration and the corporate responsibilities in dealing with such cases. The way in which the policy operates can be seen in the flowchart (Appendix A).

This document links with the College's Assessment Policy and **Student Disciplinary Policy**. This document should also be considered in conjunction with individual Awarding Organisation's (AO) malpractice/ maladministration guidance.

1.0 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 (malpractice – See Appendix B1 and B2).
- some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations (maladministration – See Appendix B3).
- some occur as a direct result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted) but which affect the proper conduct of assessments.

The individuals involved in malpractice are also varied. They may be:

- candidates;
- tutors or trainers;
- others responsible for the conduct, the administration or the quality assurance of examinations and assessments;
- assessment personnel such as examiners, assessors, moderators or internal and external quality assurers; or
- other third parties, e.g. parents/carers, siblings, friends of the candidate.

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

1.1 Definition of Malpractice

‘Malpractice’, which includes maladministration and non-compliance, means any act, default or practice which is a breach of the AO Regulations or which:

- 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 Organisation (AO) or the College or any officer, employee or agent of any Awarding Organisation or the College;
- failure by the College to notify, investigate and report to Awarding Organisation allegations of suspected malpractice constitutes malpractice.

Failure to take action as required by an Awarding Organisation or to co-operate with an Awarding Organisation’s investigation constitutes malpractice.

1.2 Definition of Centre staff malpractice

‘Centre staff malpractice’ means:

- malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services) at the College.
- an individual appointed in another capacity by the College such as an invigilator, an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter.

Examples of centre staff malpractice are set out in the current Joint Council for Qualifications (JCQ) publication ***Suspected Malpractice in Examinations and Assessments - Policies and Procedures*** and on the JCQ website <http://www.jcq.org.uk/exams-office/malpractice>.

1.3 Definition of Candidate malpractice

‘Candidate malpractice’ means malpractice by a candidate in the course of any examination or assessment, including the preparation and authentication of any controlled assessments or coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper. **This includes any use of AI (ChatGPT etc.) for the above documents.**

2.0 Responsibilities of the College

Examiners, moderators and verifiers, members of staff or students who suspect malpractice must report this immediately to the **Senior Quality and Compliance Officer** who will inform the CEO & Principal as and when necessary.

- 2.1** The College will investigate any instances of suspected malpractice (which includes maladministration) in accordance with the most current JCQ publication ***Suspected Malpractice in Examinations and Assessments: Policies and Procedures***, and provide such information and advice as the Awarding Organisation may reasonably require.
- 2.2** The College will notify an AO by completing the appropriate JCQ documentation, as soon as any suspected or alleged case of malpractice (which includes maladministration) is discovered, investigated **or** proven depending upon the r Cases relating to HE students will use documentation specific to the institution validating their qualification.
- 2.3** The **Senior Quality and Compliance Officer (SQCO)** will oversee the investigation of all suspected instances of malpractice. Where staff malpractice is suspected, the **SQCO** will liaise with the Human Resources Manager to ensure that appropriate procedures are followed. Any sanctions required will be the responsibility of the HR Manager.
- 2.4** The HoQI will ensure that the College notifies the appropriate Awarding Organisation at the earliest opportunity of incidents of malpractice. The only exception to this will be malpractice discovered in the formative stages of controlled assessments or coursework, before the authentication forms have been signed by the candidate, which will be dealt with by teaching teams using the relevant Academic Misconduct Procedure.
- 2.5** The HoQI will work with the relevant teams to complete Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2a (suspected malpractice/ maladministration involving centre staff) to notify an Awarding Organisation of an incident of malpractice (or the appropriate forms for HE students). Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>. They will:
- Oversee all investigations resulting from an allegation of malpractice. This will include malpractice allegations resulting from coursework or examinations.
 - Appoint an Investigating Officer (IO) to examine the evidence and speak to the accused individuals. This will usually be a member of management within the relevant Division.
 - Ensure that, if there is a conflict of interest, and it is necessary to delegate an investigation to another member of the College Leadership Team (CLT), the member of CLT chosen is independent and not connected to the department or candidate involved in the suspected malpractice.
 - Respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of College staff, candidates and any others involved.

- Co-operate and ensure that staff do so with an enquiry into an allegation of malpractice.
- Inform staff members and candidates of their individual responsibilities and rights as set out in this policy.
- Communicate with accused individuals and organise hearings at times when they can be supported if that is appropriate. HoQI will usually chair hearings where they are called.
- Pass on to the individual(s) concerned notifications of penalties and ensure compliance with any requests made by the Awarding Organisation as a result of a malpractice case.

3.0 The allegation

3.1 Suspected malpractice identified by the College

Where suspected malpractice is identified by the College, HoQI will submit full details of the case at the earliest opportunity to the relevant Awarding Organisation. JCQ Forms M1 (suspected candidate malpractice) or M2a (suspected malpractice/maladministration involving centre staff) will be used to notify an Awarding Organisation of an incident of malpractice. Malpractice by a candidate in a formative coursework or controlled assessment component of a specification, discovered prior to the candidate signing the declaration of authentication, need not be reported to the Awarding Organisation, but must be dealt with in accordance with the College's Academic Misconduct procedures.

The College should not normally give credit for any work submitted which is not the candidate's own work. If any assistance has been given, an acknowledgement must be made of this by the candidate on the cover sheet of their work or other appropriate place.

Note: Staff are advised that if coursework or portfolio material or controlled assessment material, which is submitted for internal assessment, is rejected by the College on grounds of malpractice, candidates have the right to appeal against this decision. Details of this appeals procedure are to be found in the JCQ publication ***Suspected Malpractice in Examinations and Assessments: Policies and Procedures***.

3.2 Responsibility for informing the accused individual rests with the Investigating Officer (IO). Any IO appointed by HoQI will need to get agreement from HoQI before the accused is informed. HoQI may 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.

3.3 Rights of the accused individuals

When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual whether a candidate or a member of staff, accused of malpractice **must**:

- be informed of the allegation made against them.

- be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and assessments: 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 that 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 they will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee of the relevant AO.
- 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 them.
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other Awarding Organisations, the regulators, the Police and/or professional organisations including the Teaching Agency as appropriate.

Full details of the Awarding Organisation's appeals procedures will be sent to the CEO & Principal if the College is involved in an appeal.

4.0 Malpractice Hearings

The College's Academic Misconduct Procedures for FE and HE outline the procedures for the conduct of Academic Misconduct Hearings. The purpose of the hearing is to discuss the allegation with those who were involved (students and staff) and to identify the appropriate sanctions both in terms of the academic work involved, and also of the student Behaviour Support and Disciplinary Procedure. Hearings must be conducted for all cases involving coursework but for misconduct in an examination room may not be necessary.

5.0 Communicating decisions

Once a decision has been made by the Academic Misconduct Hearing, it will be communicated in writing to the individual and the Principal will inform the Awarding Organisation and provide them with all the evidence the College has identified as soon as possible. The response from the AO will be communicated to the individuals concerned, and to pass on warnings in cases where this is indicated, as soon as it is available

The majority of cases of malpractice are confidential between the College and the AO. 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.
- the Awarding Organisations.

- other centres where the malpractice may affect the delivery of an Awarding Organisation's qualification.

This will include details of the action taken by the CEO & Principal, the governing body or the responsible employer. In serious cases of College staff malpractice, the Awarding Organisations reserve the right to share information with professional organisations such as the Teaching Agency.

It is the responsibility of the CEO & Principal to inform the accused individual that the Awarding Organisation may share information. This has been delegated to HoQI

6.0 Appeals

The AOs have established procedures for considering appeals against penalties arising from malpractice decisions. The following individuals have a right to appeal against decisions of the AO Malpractice Committee or officers acting on its behalf.

- The CEO & Principal, who may appeal against sanctions imposed on the College or on College staff, as well as on behalf of candidates entered or registered through the College.
- Members of College staff, or examining personnel contracted to a College, who may appeal against sanctions imposed on them personally.
- Private candidates.
- Third parties who have been barred from examinations or assessments of the AO.

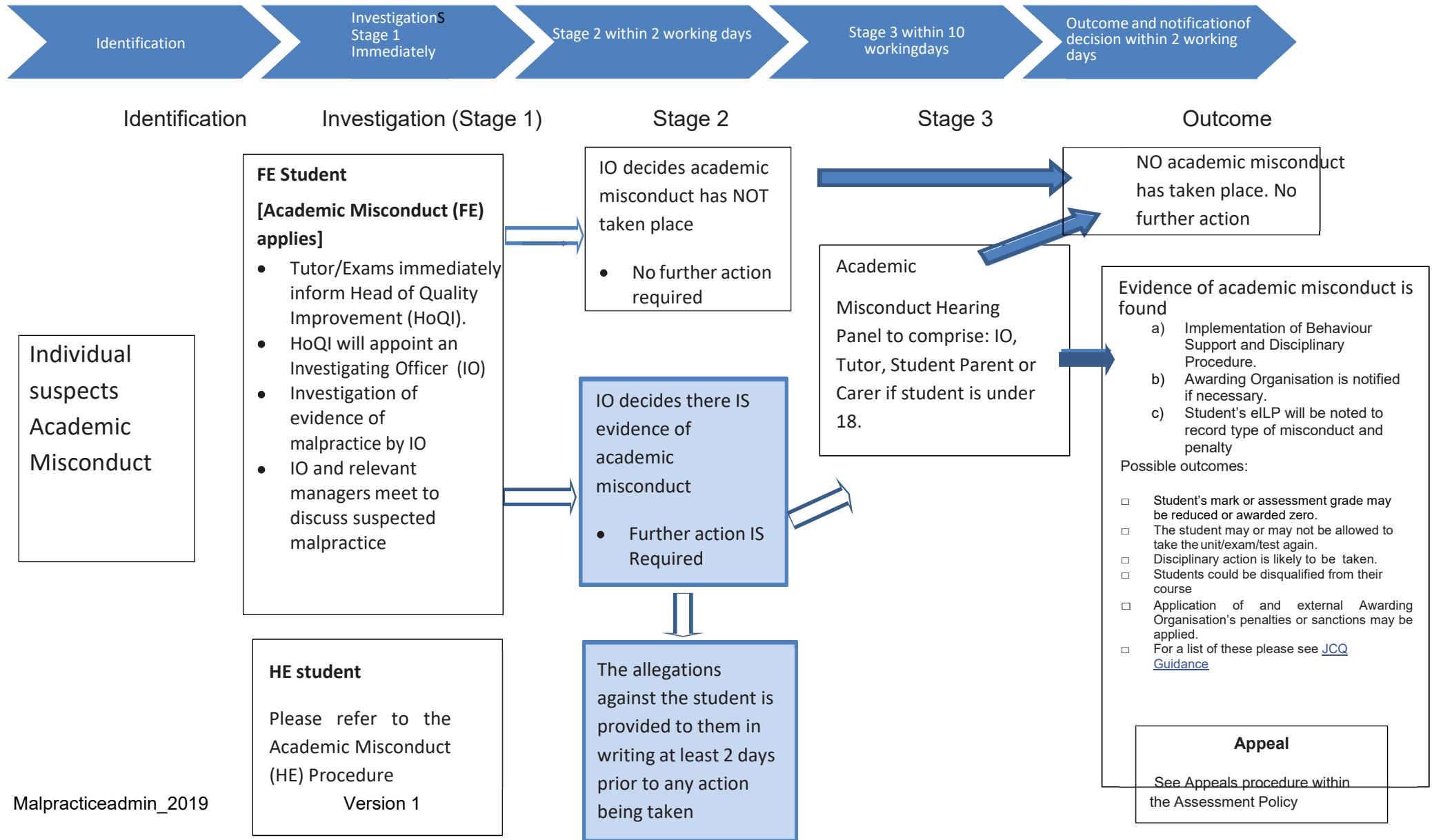
Information on the process for submitting an appeal will be sent to the College if we are involved in malpractice decisions. Further information is to be found in the JCQ publication 'A guide to the Awarding Organisations' appeals processes' at <http://www.jcq.org.uk/exams-office/appeals>.

7.0 Management of Malpractice and Maladministration

The Quality Improvement team shall log, and administer, all Malpractice and Misadministration allegations, record the outcomes including those of hearings, and communicate formally with the accused individual(s). They will use template letters to ensure that all accused individuals are given the correct information as outlined above, and that any AO actions are passed onto them. They will also record the outcomes of AO actions so that these can be reflected in future Academic Misconduct Hearings.

This information will be reported to the Strategic Leadership Team regularly, and the Governing Body three times a year.

Appendix A: Malpractice and Maladministration Flow chart



Appendix B

Examples of Malpractice and Misadministration by centre and students

Please note that these examples are not exhaustive and are only intended as guidance on a definition of malpractice.

B1: Examples of Malpractice by centres

Please note that these examples are not exhaustive and are only intended as guidance on a definition of malpractice.

- Denial of access to premises, records, information, learners and staff to any authorised Awarding Organisation representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with Awarding Organisation's requirements
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of Awarding Organisation's logo and trademarks or misrepresentation of a centre's relationship with Awarding Organisation and/or its recognition and approval status with Awarding Organisation
- Permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by a centre and/or its learners of the assessment arrangements specified for the qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (eg unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of AO Reasonable Adjustments and Special Considerations Policy
- False ID used at the registration stage
- Impersonation of a learner for an assessment
- Creation of false records
- Cash for certificates (e.g. the selling of certificates for cash)
- Selling papers/assessment details
- Extortion
- Fraud

B2: Examples of malpractice by students

- The alteration or falsification of any results document, including certificates
- A breach of the instructions or advice of an invigilator, examiner, or Awarding Organisation 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 ICT to aid the copying)
- allowing work to be copied e.g. Posting written coursework 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)
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework
- The misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. Exemplar materials)
- Being in possession of confidential material in advance of the 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 or obscene material in scripts, controlled assessments, coursework 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 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, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, mp3 players, pagers or other similar electronic devices
- The unauthorised use of a memory stick where a candidate uses a word processor
- Behaving in a manner so as to undermine the integrity of the examination

B3: Examples of misadministration by centre

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examinations papers, candidate scripts, mark sheets, cumulative assessment records, results and certifications claim forms etc. For example:

- failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised
- under-qualified or non-qualified or unauthorised members of staff assessing candidates for access arrangements
- failure to use current assignments for assessments
- failure to train invigilators adequately
- failing to issue to candidates the appropriate notices and warnings
- failing to post notices relating to the examination or assessment in all rooms where examinations and assessments are held
- not ensuring that the examination venue conforms to awarding body requirements
- the introduction of unauthorised material into the examination room, either during or prior to the examination
- failing to ensure that mobile phones are placed outside the examination room and 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 in accordance with Awarding Organisation Instructions for Invigilators
- failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements
- failure to keep accurate and up to date records in respect of access arrangements
- granting access arrangements to candidates which do not meet the requirements of the Awarding Organisation publication on Access Arrangements, Reasonable Adjustments and Special Consideration;
- granting access arrangements to candidates where prior approval if required has not been obtained from Awarding Organisation
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or coursework in secure conditions
- failing to maintain the security of candidate scripts prior to despatch to Awarding Organisation or moderator
- failing to despatch candidate scripts / controlled assessments / coursework to Awarding Organisation or moderators in a timely way
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered
- failure to maintain appropriate auditable records e.g. certification claims and / or forgery of evidence
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by Awarding Organisation
- the inappropriate retention or destruction of certificates
- persistent failure to adhere to learner registration and certification procedures
- persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- late learner registrations (both infrequent and persistent)
- unreasonable delays in responding to requests and/or communications from Awarding Organisations
- inaccurate claim for certificates

- misuse of the Awarding Organisation logo or misrepresentation of a centre's relationship with Awarding Organisation and / or its recognition and approval status with Awarding Organisation
- withholding of information, by deliberate act or omission, which is required to assure Awarding Organisation of the centre's ability to deliver qualifications appropriately