

# Assessment Malpractice and Maladministration in Relation to Higher Education Programmes

## PURPOSE

- To provide guidance and support to staff (those employed by the college, contractors, subcontractors or associates) and learners on Assessment Malpractice and Maladministration and maintain the integrity of our relationships with awarding organisations.
- To ensure the integrity of the assessment process and academic progress undertaken.

This procedure will ensure consistency of approach by all staff and is supplemented by the Discipline (Staff) procedure, Discipline – Student procedure, Plagiarism procedure and Assessment (Appeals Against Assessment) procedure.

## SCOPE

All internal and external formative and summative assessments undertaken in relation to college registered learners.

## DEFINITION

**Assessment Malpractice and Maladministration is:**

### **Centre Staff Malpractice**

Breach of Security such as:

- Failing to keep examination material secure prior to an examination
- Discussing or otherwise revealing secure information in public, eg internet forums.
- Moving the time or date of a fixed examination beyond the arrangements stated within the JCQ publication Instructions for conducting examinations.
- Conducting an examination before the published date constitutes centre staff malpractice and clear breach of security.
- Failing to adequately supervise learners who have been affected by a timetable variation; this would apply to learners 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.

- Permitting, facilitating or obtaining unauthorised access to examination material prior to any 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. For example, where an examination is to be sat in a later session by one or more learners due to a timetable variation.
- Tampering with learner's scripts or controlled assessments or coursework after collection and before despatch to the awarding organisation/ examiner/ moderator.
- Failing to keep learners' computer files which contain controlled assessments or coursework secure.

### **Deception**

- Inventing or changing marks for internally assessed components (eg coursework) where there is no actual evidence of the learners' achievement to justify the marks awarded.
- Manufacturing evidence of competence against national standards.
- Fabricating assessment and/or internal verification records to authentication statements.
- Entering fictitious learners for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud).
- Substituting one learner's controlled assessment or coursework for another.

### **Improper assistance to learners**

- Assisting learners in the production of controlled assessments or coursework, or evidence of achievement, beyond that permitted by the regulations.
- Sharing or lending learners' controlled assessments or coursework with other learners in a way which allows malpractice to take place.
- Assisting or prompting learners with the production of answers.
- Permitting learners in an examination to access prohibited materials (dictionaries, calculators etc).
- Prompting learners in an examination/assessment by means of signs or verbal or written prompts.
- Assisting learners granted the use of an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations.

## Maladministration

- Failing to ensure that learners' coursework or work to be completed under controlled conditions is adequately monitored and supervised.
- Inappropriate members of staff assessing learners for access arrangements who do not meet the criteria as detailed with the JCQ publication Access Arrangements and Reasonable Adjustments.
- Failure to use current assignments for assessments.
- Failure to train invigilators adequately, leading to non-compliance with the JCQ publication Instructions for conducting examinations.
- Failure to issue to learners the appropriate notices and warnings, eg JCQ Information for learners 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 to conducting examinations.
- 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 learners or give subject-specific presentations, including power-point presentations, prior to the start of the examination).
- Failing to remind learners that any mobile phones or other unauthorised items, such as smart watches, 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 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 which have been processed electronically using the Access arrangements online system.
- Granting access arrangements to learners who do not meet the requirements if the JCQ publication Access Arrangements and Reasonable Adjustments.
- Granting access arrangements to learners 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 organisation.
- Failure to supervise effectively the printing of computer based assignments when this is required.

- Failing to retain learners' controlled assessments or coursework in secure conditions after the authentication statements have been signed or the work has been marked.
- Failing to maintain the security of learner scripts prior to despatch to the awarding organisation or examiner.
- Failing to despatch learner scripts/controlled assessments/coursework to the awarding organisations or examiners or moderators in a timely way.
- Failing to notify the appropriate awarding organisation of an instance of suspected malpractice in examinations or assessments as soon as possible after such an instance occurs or is discovered.
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation.
- The inappropriate retention or destruction of certificates.

### **Learner malpractice**

- The alteration or falsification of any results document, including certificates.
- A breach of the instructions or advice of an invigilator, supervisor, or the awarding organisation in relation to the examination of 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 learners, beyond what is permitted.
- Copying from another learner (including the use of IT to aid the copying).
- Allowing work to be copied eg posting written coursework on social networking sites prior to an examination/assessment.
- The deliberate destruction of another learner'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 (eg exemplar materials).
- Being in possession of confidential material in advance of the examination.

- 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 learner'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 provided), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers or other similar electronic devices.
- The unauthorised use of a memory stick where learner uses a word processor.
- Behaving in a manner as to undermine the integrity of the examination.

## **PROCEDURE**

1. Where the college discovers or suspects an individual, or individuals, of assessment malpractice and maladministration it will conduct an investigation in a form commensurate with the nature of the assessment malpractice and maladministration allegation. In all cases of suspected assessment malpractice and maladministration reported, the college will protect the identity of the 'informant' in accordance with its duty of confidentiality and/or any other legal duty. Allegations should normally be made in writing. Where an allegation is made orally, the receiver of the allegation should attempt to obtain written confirmation from the person(s) making the allegation, but if this is not possible should make a written record.
2. Such an investigation will be initially undertaken by the Head of Learning for Higher Education who will interview all personnel linked to the allegation.
3. The college will make the individual(s) aware in writing within 5 working days of the nature of the alleged assessment malpractice and maladministration and of the possible consequences should the assessment malpractice and maladministration be proven.
4. The investigation will proceed through the following stages:

- 4.1 Preliminary investigation, conducted by appropriate Head of Learning for Higher Skills or Assistant Principal, into the allegation to determine whether a full investigation is necessary. If the allegation appears to have substance, then all assessments by this member of staff should be halted until the investigation is complete and the Head of Human Resources is notified.
- 4.2 Should it be determined that a full investigation is necessary it shall be conducted by an independent investigation officer appointed by the Vice Principal. This investigation will include:
- a) A statement of the facts.
  - b) A detailed account of the circumstances.
  - c) Names of all persons involved and their roles in the case.
  - d) Copies of any written statements by learners and staff.
  - e) Details of the investigation carried out.
  - f) A record of any hearing.
  - g) Copies of any learner's work that is the subject of the allegation or suspicion of malpractice.
  - h) Details of any unauthorised material found in the assessment room.
  - i) A record of the decision.
  - j) A record of the proposed penalty imposed if the allegation or suspicion is upheld (and a record of the confirmed penalty once this is agreed).
5. The Vice Principal will notify the awarding organisation (and possibly any public funding provider eg Education and Skills Funding Agency) of the alleged assessment malpractice and maladministration in writing (by letter or e-mail whichever is appropriate) and include a copy of form JCQ/M1 – (Suspected Candidate Malpractice) or form JCQ/M2a (Suspected Malpractice/Maladministration) involving centre staff to notify the awarding organisation of an incident of malpractice. Each form is available from the JCQ website <http://www.jcq.org.uk/exams-office/malpractice>.

The report will contain the following:

- a) The college's name, address and number.
- b) The learner's name and registration number (where relevant).
- c) The college's or awarding organisation's person's details (name, job role) if they are involved in the case.
- d) Details of the course or qualification affected or nature of the service affected.
- e) The nature of the suspected or actual malpractice and associated dates.
- f) Details and outcome of any initial investigation carried out by the college or anybody else involved in the case, including any mitigating circumstances.

The Vice Principal will consider any evidence that the awarding organisation may provide. Subject to agreement it may be appropriate for a member of staff from the awarding organisation to give evidence at any hearing called as part of the investigation.

6. During the investigation the college will give the individual the opportunity to respond to all the allegations made. The individual whether a learner or a member of staff, accused of malpractice must:
  - Be informed (preferably in writing) of the allegation made against him/her.
  - Be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedure can be found on the JCQ website – <http://www.jcq.org.uk/exams-office/malpractice> in the case of Pearson (BTEC) higher education students. Higher education students accredited through a university should visit the relevant university website.
  - 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 the 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 the 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/her.
  - 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 as appropriate.
7. All stages of the investigation shall be documented by the investigating officer leading the investigation.
8. The individual(s) will be informed of the avenues for appealing against any judgements made. The individual(s) concerned has/have the right to appeal against any decision(s) or sanction(s) imposed. An appeal must be made in writing to the Vice Principal within 30 working days from the receipt of the written notification of the reported incident. The individual(s) concerned have the right of access to all the evidence, used by the investigating officer to make his/her decision, in order to provide a full response. The Vice Principal will acknowledge receipt of an appeal within five working

days. All appeals will be dealt with by the Principal or his delegated representative in accordance with the awarding organisation requirements.

9. The investigating officer shall produce a report of their findings for the attention of the Vice Principal. This report must be submitted to the relevant awarding organisation and should contain the following facts:
- A statement of facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre.
  - Written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved.
  - Written statement(s) from the learner(s).
  - Any mitigating factors.
  - Information about the centre's procedures for advising learners of the awarding organisations' regulations.
  - Seating plans showing the exact position of learners in the examination room.
  - Unauthorised material found in the examination room.
  - Any work of the learner and any associated material (eg source material for coursework) which is relevant to the investigation.

Form JCQ/M1 or Form JCQ/M2b should be used as the basis of the report which are obtainable from <http://www.jcq.org.uk/exams-office/malpractice>. (This form only applies to those students studying a higher education BTEC qualification. Students studying with a partner university should refer to the relevant university's website). The awarding organisation 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 Principal will be informed accordingly.

10. For cases of staff malpractice, the Vice Principal will decide whether to invoke the Discipline (Staff) procedure through the Head of Human Resources. Where the assessment malpractice or maladministration appears to involve a criminal offence, the college will consult with the awarding organisation whether it is appropriate for the college to report the case to the police.
11. For cases of learner assessment malpractice, reference should be made by the investigating officer to the other relevant procedures: Examinations/Admissions procedure, Assessment (including Appeals Against Assessment) procedure and Plagiarism procedure.



12. Where the investigation officer report indicates that the learner assessment is suspect or flawed, then the relevant procedures in II should be consulted for appropriate penalties.

### **Reporting suspected cases of malpractice during an examination**

In all cases where a learner is suspected of malpractice during an examination, he/she will first be warned by the invigilator that his/her actions are in breach of regulations and therefore might constitute malpractice. The learner will also be informed that the invigilator is obliged to report his/her (the learner's) action.

The learner concerned has the right to provide a statement explaining his/her conduct that will be included in the invigilator's written report. The learner is however not obliged to provide a statement before leaving the assessment venue. In such cases, the invigilator will note this in the report. In cases where a learner is discovered to be in possession of any unauthorised materials during an examination/assessment, the invigilator will confiscate the materials, and record the time and point within the script at which the discovery was made, along with a list of the confiscated materials which the learner will be asked to sign to confirm its accuracy.

Learners will be allowed to continue working for the remainder of the assessment without prejudice to the final outcome. In communicating/collaborating the invigilator will note on each suspected learner's assessment script the time and point within the script at which the discovery was made. Any written evidence relevant to the incident, eg confiscated materials, statements from other individuals involved, must accompany the report.

### **Suspected malpractice by Assessment Staff/Invigilators**

Suspected cases of malpractice by a staff member or invigilator may be reported by the learners, other assessment staff, other assessment invigilators or a member of the public. Written reports should be submitted to the Claims and Compliance Manager and the Vice Principal, along with the assessment name, location, the date and title of the assessment, the time the assessment took place, the learner's name and his/her college ID number, if applicable and the name of the member of staff in question.

### **Right of Appeal**

The individual(s) concerned has/have the right to appeal against any decision(s) or sanction(s) imposed. An appeal must be made in writing to the Principal within 30 working days from receipt of the written notification of the reported incident. The individual(s) concerned have the right of access to all the evidence used to make the decision, in order to provide a full response.

## **Action upon receipt of an Appeal**

The Vice Principal will acknowledge receipt of an appeal within five working days. All appeals to malpractice decisions will be dealt with fairly and in accordance with the relevant awarding organisation by the Principal or his designated representative.

## **Sanctions for staff – assessment malpractice and administration**

In cases of staff malpractice, the role of the awarding organisation is confined to considering whether the integrity of its examinations and assessments has been placed in jeopardy, and whether the integrity might be jeopardised if an individual is found to have indulged in assessment malpractice and maladministration were to be involved in the future conduct, supervision or administration of the awarding organisation's examinations or assessments.

It is not the role of the awarding organisation to be involved in any matter affecting the member of staff's or contractor's contractual relationship with his/her employer or engager. Awarding organisations recognise that each centre may take a different view of an allegation to that determined by the awarding organisation or its Malpractice Committee. The centre may wish to finalise its decision after the awarding organisation or its Malpractice Committee has reached its conclusion.

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

### **1. Written warning**

Issue the member of staff with a written warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

### **2. 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.

### **3. Training**

Require the member of staff, as a condition of future involvement in its examinations, to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.

### **4. Staff Barring**

Bar the member of staff from all involvement in the delivery of its examinations and assessments for a set period of time. Other awarding organisations and the regulators will be informed when a suspension is imposed.

These sanctions will be notified to the Vice Principal who will be required to ensure that they are carried out.

If a member of staff moves to another centre while being subject to one of the above sanctions, the Head of Human Resources will notify the awarding organisation of the move. Each awarding organisation reserves the right to inform the Head of Centre to which the staff member is moving of the nature of, and the reason for, the sanction.

After investigating an alleged assessment malpractice and maladministration the Head of Centre or his/her nominee must submit a full written report of the case to the awarding organisation. Following investigation if the alleged assessment malpractice and maladministration is upheld the following sanctions and penalties apply:

### **Sanctions for staff assessment malpractice and maladministration – centres**

Awarding organisations may, at their discretion, impose the following penalties and special conditions against centres. The penalties and special conditions may be applied individually or in combination. Awarding organisations will determine the appropriateness of a sanction depending on the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

### **Sanctions and penalties against learners**

Awarding organisations may, at their discretion, impose the following sanctions and penalties against learners found guilty of assessment malpractice and maladministration. Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

#### **1. Penalty 1 – Warning**

The learner is issued with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

#### **2. Penalty 2 – Loss of marks for a section**

The learner 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 coursework if this consists of several items.

#### **3. Penalty 3 – Loss of marks for a component**

The learner loses all the marks gained for a component. A component is more often a feature of linear qualifications than a unitised qualification, and so this penalty can be regarded as an alternative to penalty 4. Some units also have components, in which case a level of penalty between numbers 2 and 4 is possible.

#### **4. Penalty 4 – Loss of all marks for a unit**

The learner loses all the marks gained for a unit. The penalty can only be applied to qualifications which are unitised. For linear qualifications, the option is penalty 3.

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

**5. Penalty 5 – Disqualification from a unit**

The learner is disqualified from the unit. The penalty is only available if the qualification is unitised. For linear qualifications the option is penalty 7. The effect of this penalty is to prevent the learner aggregating or requesting certification in that series, if the learner has applied for it.

**6. Penalty 6 – Disqualification from all units in one or more qualifications**

If circumstances suggest, penalty 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous exam series are retained). This penalty is only available if the qualification is unitised. For linear qualifications see option in penalty 8.

**7. Penalty 7 – Disqualification from a whole qualification**

The learner is disqualified from the whole qualification taken in that series or academic year. The penalty can be applied to unitised qualifications only if the learner has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a learner has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.

**8. Penalty 8 – Disqualification from all qualifications taken in that series**

If circumstances suggest, penalty 7 may be applied to other qualifications. This penalty can be applied to unitised qualifications only if the learner has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a learner has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.

**9. Penalty 9 – Learner debarred**

The learner could be barred from entering for one or more examinations for a set period of time. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

When awarding organisations are applying sanction and penalties they will take into account that not all of the above penalties set out may be appropriate to every type of qualification and circumstance.

Unless a penalty is accompanied by a bar on future entry, all learners penalised by loss of marks or disqualification, make retake the component(s), unit(s), or qualification(s) affected in the next examination series or assessment opportunity.

The college may take further action in cases of assessment malpractice and maladministration as deemed appropriate.

### **Communication decisions**

The awarding organisation will inform the college of its decision in writing as soon as possible after the decision is made. It is the responsibility of the college Principal or his/her nominee to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

The majority of cases of assessment administration and maladministration are confidential between the individual awarding organisation and the college, but in cases of serious malpractice, where the threat is to the integrity of the examination or assessment outweighs a duty of confidentiality, it will be normally necessary for information to be exchanged amongst the regulators and the awarding organisations and other centres where the malpractice may affect the delivery of an awarding organisation's qualification.

It is the responsibility of the Head of Centre to inform the accused individual that the awarding organisation may share information in accordance with the paragraph above.

### **Appeals to awarding organisations**

Awarding organisations have established procedures for considering appeals against penalties arising from assessment malpractice and maladministration 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, as well as on behalf of learners entered or registered through the centre.
- Members of staff, or examining personnel contracted to a centre, who may appeal against sanctions imposed on them personally.
- Private learners.
- Third parties who have been barred from examinations of the awarding organisation.

Awarding organisations will provide centres with information on the process for submitting an appeal on any assessment malpractice and maladministration decisions which will be made available to the relevant parties involved.

- For higher education provision awarded by **Wolverhampton University**, learners should follow the university's own regulations and procedures which can be found at: <http://www.wlv.ac.uk>

- For higher education provision awarded by **Staffordshire University**, learners should follow the university's own regulations and procedures which can be found at: <http://www.staffs.ac.uk>
- For higher education provision awarded by **Pearson (Edexcel)**, learners should follow Pearson's own regulations and procedures. Pearson can be contacted at: [vocationalqualitystandards@pearson.com](mailto:vocationalqualitystandards@pearson.com).

Where learners remain dissatisfied with an outcome judgement made by any higher education awarding organisation the learner can appeal to the *Office of the Independent Adjudicator* (OIA) at [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **PROCEDURE REVIEW**

This procedure will be reviewed bi-annually and revised as necessary in response to customer and learner feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of assessment malpractice or maladministration.

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

## **Associated Documents**

**POL-003 - Assessment Malpractice and Maladministration**

**POL-004 - Discipline - Student**

**Assessment for HE Programmes**

**Assessment (including Appeals Against Assessment)**

**Discipline - Student**

**Internal Quality Assurance/Moderation (Classroom Based Learning)**

**Internal Quality Assurance/Moderation (Work Based Learning)**

**Lead Internal Verifiers/Moderation (BTEC/Edexcel only) (NQF & QCF)**

**Plagiarism**