

<b>Policy Name:</b>	<b>MALPRACTICE POLICY (EXAMS)</b>
<b>Policy Type:</b>	<b>Statutory</b>
<b>Issue Date:</b>	<b>7<sup>th</sup> March 2025</b>
<b>To be reviewed:</b>	<b>Annually – 7<sup>th</sup> March 2026</b>
<b>Approved by:</b>	<b>Board of Trustees</b>
<b>Policy Owner:</b>	<b>Steph Brown</b>

## Glossary of abbreviations

<b>JCQ</b>	Joint Council of Qualifications
<b>JCQ GR</b>	Joint Council of Qualifications : General Regulations for Approved Centres
<b>JCQ SMPP</b>	Joint Council of Qualifications : Suspected Malpractice: Policies and Procedures

## 1. Aims

- a. In accordance with the regulations the centre will:
  - 1) take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place (JCQ GR 5.11)
  - 2) 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 (JCQ GR 5.11)
  - 3) as required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the current JCQ document Suspected Malpractice - Policies and Procedures and provide such information and advice as the awarding body may reasonably require (JCQ GR 5.11)
- b. The centre has in place for inspection a written malpractice policy which covers all qualifications delivered by the centre detailing how:
  - 1) candidates are informed and advised to avoid committing malpractice in examinations/assessments,
  - 2) suspected malpractice issues should be escalated within centre and reported to relevant awarding body
  - 3) it acknowledges the use of AI (e.g. what AI is, when it may be used and how it should be acknowledged, the risks of using AI, what AI misuse is and how this will be treated as malpractice) (JCQ GR 5.3)

## 2. Legislation and Guidance

- a. 'Malpractice' and 'maladministration' are related concepts, the common theme being 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:
  - 1) a breach of the Regulations

- 2) a breach of awarding body requirements regarding how a qualification should be delivered
  - 3) a failure to follow established procedures in relation to a qualification which gives rise to prejudice to candidates
  - 4) a failure to follow established procedures in relation to a qualification which compromises public confidence in qualifications
  - 5) a failure to follow established procedures in relation to a qualification 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
  - 6) a failure to follow established procedures in relation to a qualification which damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre (JCQ SMPP 1)
- b. 'Candidate malpractice' normally involves 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 completion of any examination. (JCQ SMPP 2)
- c. '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, 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 (JCQ SMPP 2)
- d. For the purposes of this document, suspected malpractice means alleged or suspected incidents of malpractice (regardless of how the incident might be categorised, as described in SMPP, section 19). (JCQ SMPP 2)

### 3. Preventing malpractice

- a. The centre has in place robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ document Suspected Malpractice: Policies and Procedures. (JCQ SMPP 4.3) This includes ensuring that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance:
- 1) General Regulations for Approved Centres 2024-2-25
  - 2) Instructions for conducting examinations (ICE) 2024-2025
  - 3) Instructions for conducting coursework 2024-2025
  - 4) Instructions for conducting non-examination assessments 2024-2025
  - 5) Access Arrangements and Reasonable Adjustments 2024-2025
  - 6) A guide to the special consideration process 2024-2025
  - 7) Suspected Malpractice: Policies and Procedures 2024-2025 (this document)
  - 8) Plagiarism in Assessments
  - 9) AI Use in Assessments: Protecting the Integrity of Qualifications
  - 10) Post Results Services June 2024 and November 2024
  - 11) A guide to the awarding bodies' appeals processes 2024-2025 (JCQ SMPP 3.3.1)
- b. Candidates are informed and advised to avoid committing malpractice during a briefing session before the assessment period. Communications in exams, plagiarism and appropriate uses of AI are discussed along with the potential ramifications of committing malpractice

- c. With reference to the JCQ guidance for Teachers & Assessors - AI Use in Assessments: Protecting the Integrity of Qualifications:
- 1) Students complete the majority of their exams and a large number of other assessments under close staff supervision with limited access to authorised materials and no permitted access to the internet.
  - 2) The delivery of these assessments should be unaffected by developments in AI tools as students must not be able to use such tools when completing these assessments.
  - 3) There are some assessments in which access to the internet is permitted in the preparatory, research or production stages. The majority of these assessments will be Non-Examined Assessments (NEAs), coursework and internal assessments for General Qualifications (GQs) and Vocational & Technical Qualifications (VTQs).
  - 4) JCQ's guidance which is designed to help students and teachers to complete NEAs, coursework and other internal assessments successfully is followed in relation to these assessments.
- d. The following JCQ support resources are also used to help teachers understand and prevent AI misuse and to help students to better understand the rules for use of AI in assessments:
- 1) Information Sheet for Teachers,
  - 2) Senior Leader Presentation for Teachers,
  - 3) Poster for Students,
  - 4) Teacher Presentation for Students.

#### **4. Identification and reporting of malpractice – Escalating suspected malpractice issues**

- a. Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels. (JCQ SMPP 4.3)
- b. The Exam Officer should be informed of any suspected malpractice in order to begin an investigation.

#### **5. Identification and reporting of malpractice – Reporting suspected malpractice to the awarding body**

- a. 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 document Suspected Malpractice: Policies and Procedures (JCQ SMPP 4.1.3)
- b. The head of centre will ensure that, where a candidate is a child or an adult at risk and is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation (JCQ SMPP 4.1.3)
- c. Form JCQ/M1 will be used 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 (JCQ SMPP 4.4, 4.6)

- d. Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication does not need to be reported to the awarding body but will 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 will be reported to the awarding body immediately (JCQ SMPP 4.5)
- e. If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (the candidate or the member of staff) will be informed of the rights of accused individuals (JCQ SMPP 5.33)
- f. Once the information gathering has concluded, the head of centre (or other appointed information gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (5.35)
- g. Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (JCQ SMPP 5.37)
- h. 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 (JCQ SMPP 5.40)

## 6. Communicating malpractice decisions

- a. Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible.
- b. 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.
- c. The head of centre will also inform the individuals if they have the right to appeal. (JCQ SMPP 11.1)

## 7. Appeals against decisions made in cases of malpractice

- a. The centre will:
  - 1) Provide the individual with information on the process and timeframe for submitting an appeal, where relevant
  - 2) Refer to further information and follow the process provided in the JCQ document A guide to the awarding bodies' appeals processes