

# Malpractice Policy

## Ashmole Academy



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## MALPRACTICE PROCEDURES

Malpractice and maladministration involve a failure to follow the rules of an examination or assessment. This policy 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

### 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.

### 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

### Purpose of the policy

To confirm the measures Ashmole Academy has in place which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body

In a case of suspected malpractice, in line with the Joint Council for Qualifications (JCQ) policy, the procedures followed by Ashmole Academy will be as detailed below:

### Information to Candidates on Avoidance of Malpractice

All candidates and their parents/carers will receive handbooks in the autumn term of their public examination year which include clear guidance on the avoidance of malpractice, including the misuse of AI tools.

Candidates will be guided by teaching staff with regards to the preparation and submission of materials for internal assessments, in particular, to ensure that all work they submit is their own, and that all sources of information, including use of AI, are properly referenced.

Candidates will be briefed in assemblies prior to the start of their public examinations on the expectations around examinations. This will include reminders on behaviour and the importance of adhering to examination rules and regulations, in particular, with regards to malpractice.

Candidates will be instructed to make themselves familiar with the JCQ Information for Candidates documents available on the Ashmole Academy web-site to ensure they are familiar with examination regulations.

#### Information to Teaching Staff on Avoidance of Malpractice with particular reference to Use of AI

The JCQ information on AI Use in Assessments will be circulated to Heads of Department to ensure that teaching staff are familiar with the guidance, can guide candidates in the appropriate use of AI tools and are aware of how best to detect the misuse of such tools.

Staff will also be made aware that AI cannot be used as the sole tool for marking assessments

#### THE ALLEGATION

Where suspected malpractice is identified, the Head Teacher will submit full details of the case at the earliest opportunity to the relevant awarding body.

A full account of the incident will be submitted together with supporting evidence and an indication of which regulation or specification requirement has been broken.

#### THE INVESTIGATION

##### Centre Investigation

- Investigations into allegations of malpractice will normally be carried out by the Head Teacher and will be dealt with in a timely manner.
- Those responsible for conducting the investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.
- The Head Teacher should consider that both staff and candidates can be responsible for malpractice. Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to the team or department involved in the suspected malpractice.
- Ashmole Academy will provide the accused individual(s) with the details used to notify the awarding body of the malpractice.
- When the Head Teacher deems it necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interviews will be conducted in accordance with the centre's policy for conducting disciplinary enquiries.
- If any party wishes to be accompanied by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. An awarding body will not be liable for any professional fees incurred.
- The Head Teacher will make available an appropriate venue for such interviews. Individuals involved may be requested to provide a written statement.

## Awarding Body Investigation

- For allegations of malpractice which involve fraud or a serious breach of examination security, it will normally be expected that an investigation into the allegation will be carried out by the relevant awarding body or bodies and/or the regulators, acting in conjunction with the Head Teacher (or the governing body), and possibly the Police.
- An awarding body will not normally withhold from the head of centre any evidence or material obtained or created during the course of an investigation into an allegation of malpractice. However, it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, the awarding body will provide the evidence and material and will withhold information that would reveal the person's identity, and will explain why the withheld information cannot be provided.
- Any material or evidence not provided to the head of centre will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.
- If investigations reveal that candidates had prior knowledge of the content of an examination or assessment, the awarding body must establish whether information could have been divulged to candidates at other centres or to other unauthorised persons.
- Sometimes it is necessary for the awarding body to interview a candidate during an investigation. If the candidate is a minor or a vulnerable adult, and if the interview is to be conducted face to face, the awarding bodies undertake to do this only in the presence of the Head Teacher, or other senior member of staff, or the candidate's parent/carer or with the permission of the Head Teacher or parent/carer. Interviews may also be conducted over the telephone or the individual being interviewed may also be requested to provide a written statement.
- When it is necessary for a member of the awarding body staff to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor (who may be a representative of a teacher association or other association).
- If the individual being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them the opportunity to be similarly supported.

## 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 (preferably in writing) of the allegation made against him or her;
- 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 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 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 him or her;
- be informed that the awarding bodies reserve the right to share their statements, records or transcripts of interviews with others involved in the case and other appropriate third parties
- Responsibility for informing the accused individual rests with the Head Teacher.

### The Report

After investigating an allegation of malpractice, the Head Teacher will submit a full written report of the case to the relevant awarding body.

The Report will be accompanied by the following documentation, as appropriate:

- a statement of the 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 all staff who are involved; All such documents will be signed and dated by the individuals concerned;
- transcriptions of interviews with/written statements from any candidates involved in, or affected by, the alleged malpractice. All such documents must be signed and dated by the candidates, and any statements must be in the candidates' own words;
- written statement(s) from the candidate(s);
- any mitigating factors;
- information about the centre's procedures for advising candidates of the awarding bodies' regulations;
- seating plans showing the exact position of candidates in the examination room;
- unauthorised material found in the examination room;
- any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.
- any other relevant information or evidence not listed above but which is relevant to the case being investigated, for example, CCTV footage;
- a summary of the actions which will be taken by the centre to mitigate the impact of any malpractice, and the actions to be taken to avoid a recurrence of such a malpractice incident.

### The Decision

In order to determine the outcomes in cases of alleged malpractice, it is accepted that awarding bodies may appoint a Panel or Committee, the "Malpractice Committee", composed of external members experienced in examination and assessment procedures and who are independent of those who have conducted the investigation.

Alternatively, this function may be allocated to a named member or members of staff.

The Malpractice Committee is responsible for determining the outcome following the report. In making a decision on any Report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Malpractice Committee will then seek to determine:

- whether the examination and assessment regulations have been broken;
- whether correct procedures were followed
- where the culpability lies for the breach of regulations.
- If the Malpractice Committee determines that malpractice has occurred, it will then seek to determine the appropriate sanction(s) to be applied, if any, considering the least severe sanction first, considering any points in mitigation and the appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches.

## Sanctions

Awarding bodies impose sanctions on individuals and on centres responsible for malpractice in order to:

- minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaking the regulations;
- deter others from doing likewise.

The awarding bodies will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

Awarding bodies may, at their discretion, impose the following sanctions against candidates.

### 1 Warning

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

### 2 Loss of marks for a section

The candidate 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 non-examination assessment if this consists of several items.

### 3 Loss of marks for a component

The candidate 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 sanction 4.

Some units also have components, in which case a level of penalty between numbers 2 and 4 is possible.

### 4 Loss of all marks for a unit

The candidate loses all the marks gained for a unit. This sanction can only be applied to qualifications which are unitised. For linear qualifications, the option is sanction 3. This penalty usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.

## 5 Disqualification from a unit

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

## 6 Disqualification from all units in one or more qualifications

If circumstances suggest, sanction 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 sanction is only available if the qualification is unitised. For linear qualifications the option is sanction 8.

## 7 Disqualification from a whole qualification

The candidate is disqualified from the whole qualification taken in that series or academic year. This penalty can be applied to unitised qualifications only if the candidate 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 candidate has not requested aggregation the option is sanction 6. It may also be used with linear qualifications.

## 8 Disqualification from all qualifications taken in that series

If circumstances suggest, sanction 7 may be applied to other qualifications. This sanction can be applied to unitised qualifications only if the candidate 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 candidate has not requested aggregation the option is sanction 6. It may also be used with linear qualifications.

## 9 Candidate Debarral

The candidate is barred from entering for one or more examinations for a set period of time. This sanction is applied in conjunction with any of the other sanctions above, if the circumstances warrant it.

## Communicating Decisions

The decision will be communicated in writing to the Head Teacher whose responsibility it is to communicate the decision to the individuals concerned and to pass on details of any sanctions and action in cases where this is indicated. The Head Teacher must also inform the individuals if they have the right to appeal.

Whilst malpractice cases are usually confidential between the centre, the individual(s) accused of malpractice and the awarding body, in cases of serious malpractice, for example, where the threat to the integrity of the examination or assessment is such as to outweigh a duty of confidentiality, it may be necessary for information to be divulged to other external parties.

The Head Teacher will inform the accused individual that the awarding body may share information as detailed above.



## Appeals

Ashmole Academy is committed to following the guidance laid out in the JCQ regulations, <http://www.jcq.org.uk/exams-office/appeals>

The awarding bodies have established procedures for considering appeals against sanctions arising from malpractice 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 or on centre staff, as well as on behalf of candidates entered or registered through the centre.
- Members of centre staff, or examining personnel contracted to a centre, who may appeal against sanctions imposed on them personally.
- Private (external) candidates.
- Third parties who have been barred from examinations or assessments of the awarding body.