



# Malpractice Policy (Exams)

Policy/Procedure creator: Charlotte Turner

Policy/Procedure created/reviewed: 04/11/2022

|                            |                            |
|----------------------------|----------------------------|
| Centre Name                | Ormiston Bushfield Academy |
| Centre Number              | 22319                      |
| Date policy first created  | 04/11/2022                 |
| Current policy reviewed by | Rebecca Rhodes             |
| Current policy approved by | Rebecca Rhodes             |

## Key staff involved in the policy

|                             |                  |
|-----------------------------|------------------|
| Head of centre              | Dennis Kirwan    |
| Senior leader(s)            | Rebecca Rhodes   |
| Exams officer               | Charlotte Turner |
| Other staff (if applicable) | Not Applicable   |

This policy is reviewed and updated annually to ensure that any malpractice at Ormiston Bushfield Academy is managed in accordance with current requirements and regulations.

Reference in the policy to **GR** and **SMPP** relate to relevant sections of the current JCQ publications **General Regulations for Approved Centres** and **Suspected Malpractice - Policies and Procedures**.

# Introduction

## What is malpractice and maladministration?

- (SMPP 1)

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that 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:

- 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

which:

- gives rise to prejudice to candidates
  - compromises public confidence in qualifications
  - 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 body or centre or any officer, employee or agent of any awarding body or centre
- For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (SMPP 2)

## Purpose of the policy

The purpose of this policy is to confirm how Ormiston Bushfield Academy manages malpractice under normal delivery arrangements in accordance with the regulations.

## General principles

In accordance with the regulations Ormiston Bushfield Academy will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- 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 (GR 5.11)
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected malpractice - Policies and procedures** and provide such information and advice as the awarding body may reasonably require (GR 5.11)

### 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 (SMPP 2)

### 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 (SMPP 2)

## Preventing malpractice

Ormiston Bushfield Academy has in place:

- robust processes to prevent and identify malpractice, as outlined in section 3.3 of the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.3)

## Identification and reporting of malpractice

- 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 publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.1.3)
- 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 (SMPP 4.4, 4.6)
- Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication need not 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 (SMPP 4.5)
- If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of accused individuals (SMPP 5.32)
- Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (SMPP 5.34)
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.36)
- 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 (SMPP 5.39)

## Communicating malpractice decisions

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

## Appeals against decisions made in cases of malpractice

Ormiston Bushfield Academy will:

- Provide the individual with information on the process for submitting an appeal, where relevant
- Refer to further information and follow the process provided in the JCQ publication **A guide to the awarding bodies' appeals processes**

**Additional information:**

Not applicable

## CHANGES 2022/2023

The JCQ SMPP publication has been significantly revised for 2022-23, affecting the content of this policy as detailed below.

(Added) Under **Introduction**:

- New sub-heading: **What is malpractice and maladministration?** and updated definitions
- New bullet point: For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (SMPP 2)

(Added) New heading **Preventing malpractice** and associated content

(Changed) Heading **Reporting and investigating malpractice** (To) **Identification and reporting of malpractice**

Under this section:

- (Changed) Where suspected malpractice is identified by the centre, the head of centre will ensure the individual responsibilities are undertaken in accordance with the requirements (SMPP 2.5) (To) 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 in the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.1.3)
- (Removed) Where suspected malpractice is identified by the centre, the head of centre will submit full details of the case immediately to the relevant awarding body (SMPP 4.2)
- (Changed) Form JCQ/M1 (Suspected candidate malpractice) or Form JCQ/M2 (Notification of suspected malpractice/maladministration involving centre staff) will ideally be used to notify an awarding body of an incident of malpractice (SMPP 4.2) (To) 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 (SMPP 4.4, 4.6)
- (Removed) The head of centre/appointed information gatherer will gather evidence into allegations of malpractice and deal with the investigation in accordance with the deadlines and requirements set by the awarding body (SMPP 6)
- (Changed) If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of the accused individual (SMPP 6.13) (To) If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of accused individuals (SMPP 5.32)
- (Changed) After gathering evidence relating to a malpractice investigation, the head of centre will submit a full written report of the case accompanied by any appropriate documentation to the relevant awarding body (SMPP 7) (To) Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (SMPP 5.34)
- (Changed) Form JCQ/M1 or Form JCQ/M3 (Report into suspected malpractice/maladministration involving centre staff) will be used as the basis of the report (SMPP 7) (To) Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.36)

Under **Communicating malpractice decisions**:

(Removed)

- The awarding body 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 (SMPP 12)
- Once a decision has been made by the awarding body, it will be communicated in writing to the head of centre as soon as possible (SMPP 13)
- The head of centre will communicate the decision to the individual concerned and to pass on details of any sanctions and action in cases where this is indicated (SMPP 13)

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

(Removed) Under **Appeals against decisions made in cases of malpractice**: Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions (SMPP 14)

CENTRE-SPECIFIC CHANGES

Upon review in September 2023, no centre-specific updates or changes were applicable to this document.