

STCG MALPRACTICE AND MALADMINISTRATION POLICY

Purpose of the policy

To have in place a written malpractice/maladministration policy which covers qualifications (FE) delivered by STCG, and details ways in which candidates and staff are informed and advised on how to avoid committing either in relation to examinations/assessments, how suspected cases are escalated and investigated within Centres and subsequently reported to relevant awarding bodies.

Definition

Malpractice and maladministration are related concepts, both of which involve a failure to follow the rules in the delivery or management of an examination or assessment. In this policy the word malpractice covers both malpractice and maladministration, and means any act, default or practice which is:

- a breach of the regulations
- a breach of awarding body requirements as to how a qualification should be delivered
- a failure to follow established procedures in relation to a qualification

Any of which could:

- give rise to prejudice to candidates
- compromise public confidence in qualifications
- compromise or attempt to compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
- damage the authority, reputation or credibility of any awarding body, the Group or any officer, employee or agent of any awarding body or the Group

Malpractice may or may not directly relate to sitting an examination. Awarding bodies are aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of exam centres change. AI, for example, can come within the malpractice category of plagiarism if mis-used during any form of assessment.

A failure by the Group to notify, investigate and report to an awarding body any allegation of malpractice or suspected malpractice constitutes malpractice in itself.

1. Policy Statement

STCG is committed to ensuring that issues of malpractice in all assessment whether external or internal are addressed. This policy supports all awarding bodies' regulations and complies with guidance issued by the JCQ (Joint Council for Qualifications). These guidelines form the policy for both staff and students, and supplement other relevant Group policies such as the Internal Assessment Policy.

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

It also draws on and refers to the JCQ's 'Suspected Malpractice in Examinations and Assessments 2023/24', which can be found on the JCQ website as well as in the Exams section of STCG Online. Non-JCQ awarding bodies may have other processes which are followed when appropriate.

2. Scope

This policy applies to all STCG students and staff. It underpins the guidelines, policies and procedures of the awarding bodies and the Group. This policy and the associated documents to which it relates outline:

- the specific regulations of the awarding bodies under which all assessment operates
- definitions of malpractice by students and staff in all forms of assessment
- the rights and responsibilities of awarding bodies, staff and students
- the actions to be taken in the event of breaches of policy, regulation or procedure.

Preventing malpractice

STCG has robust processes in place to prevent and identify malpractice. These include ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in all awarding bodies' guidance and specifically current versions of the JCQ documents listed below, all of which are available on the JCQ website and the Exams section of STCG Online:

- General Regulations for Approved Centres
- Instructions for conducting examinations (ICE)
- Instructions for conducting coursework
- Instructions for conducting non-examination assessments
- Access Arrangements and Reasonable Adjustments
- A guide to the special consideration process
- Suspected Malpractice - Policies and Procedures
- Plagiarism in Assessments
- AI Use in Assessments: Protecting the Integrity of Qualifications
- A guide to the awarding bodies' appeals processes

3. General Principles

In accordance with the regulations STCG Colleges will:

- Take all reasonable steps to prevent any malpractice taking place before, during or after the occurrence of an examination or assessment
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice involving a candidate or a member of staff by completing the appropriate documentation
- Gather evidence of any instances of alleged or suspected malpractice in accordance with the JCQ's 'Suspected Malpractice - Policies and Procedures' and other awarding bodies' guidelines, and provide such information as an awarding body may reasonably require.

4. Centre Staff Malpractice

Centre staff malpractice means malpractice/maladministration committed by teaching staff, assessors, internal quality assurers/verifiers/moderators, Exams and Integrated Learning staff (including when providing exams support such as reading and scribing), invigilators and other staff performing a role that involves the delivery or assessment of qualifications.

Examples of staff malpractice are set out in Appendix A of this policy.

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

Staff who are found to have engaged in activities deemed to be malpractice or maladministration will be subject to the usual Group disciplinary procedures for teaching and organisational staff.

Student Malpractice

Student malpractice means malpractice by a student in connection with any examination or assessment, including the preparation and authentication of any controlled assessments or coursework or non-examination assessments, the presentation of any practical work and the compilation of portfolios of assessment evidence.

Examples of student malpractice are set out in Appendix B. Other instances of malpractice may be considered by the awarding bodies at their discretion.

Malpractice in a coursework or controlled assessment component discovered prior to the student signing the declaration of authentication need not be reported to the awarding body, but must be dealt with in accordance with Group disciplinary procedures for students.

Students who are found to have engaged in activities deemed to be malpractice after signing the declaration of authentication will be subject to the regulations and possible penalties as laid down by the specific awarding body, which STCG Colleges are obliged to follow awarding.

Teaching staff who suspect or identify such activities must inform their Head of School, who is responsible for informing their College Vice Principal so that investigation and reporting to awarding bodies can take place. Students who are found to have engaged in such activities will also be subject to Group disciplinary procedures for students.

6. Investigating Student Malpractice

College Principals as Heads of Centre have responsibility for the conduct of examinations and assessments and all related activity, including cases of malpractice.

College Principals will instigate investigations and may delegate this to an appropriate senior member of the college management team. This will ensure that the investigation is independent of the School involved in the suspected malpractice. Appeals will be conducted as specified in the Assessment Appeals Procedure. For students under 18 or vulnerable adults the parent/carer/appropriate adult will be kept informed at each stage of the investigation.

All investigations will be fully compliant with JCQ regulations and awarding body requests for information.

Depending on the outcome of the investigation, an awarding body may withhold issuing of results until either its conclusion or permanently if warranted.

7. Investigating Alleged Staff Malpractice

Investigations will be conducted as for 6 above, with the addition of:

- Allegations against the Group CEO will be carried out by the Chair of Governors
- Vice Principals or other senior managers may be involved in investigations at the discretion of Heads of Centre
- Correspondence will be through the relevant College Principal as Head of Centre except when the allegation is against the Group CEO; all such will be in writing and copied to the Principal concerned

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

- Respondents will be entitled to correspond in writing
- Group procedures on discipline, grievance and appeals will also apply
- Awarding bodies have the right to be represented at interviews or hearings
- Staff members may be accompanied by a friend or union representative.

8. Rights of Accused Individuals

When an incident of suspected malpractice is reported to the awarding body, or on receipt of a report from the awarding body, an individual, whether a student or a member of staff, accused of malpractice must:

- be informed, preferably in writing, of the allegation made against him or her
- 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
- have an opportunity to submit a written statement
- have an opportunity to seek advice as necessary and to provide a supplementary statement if required
- know when the final outcome would be imparted to student/member of staff
- be informed of the applicable appeals procedure should a decision be made against him or her
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators, the police and/or professional bodies.

Responsibility for informing the accused individual rests with the College Principals as Heads of Centre but may be delegated to the senior member of staff nominated to carry out any investigation.

9. Reporting suspected malpractice to the awarding body

Reports of malpractice will be forwarded to the relevant authorities, internally and externally, which may include the Governing Body, Group Leadership Team, awarding body and regulatory authority.

- The Head of Centre (or nominated member of the senior management team) 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's 'Suspected Malpractice - Policies and Procedures'
- The Head of Centre will ensure that, where a candidate who is a child or vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation
- 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
- 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 Group's internal procedures. The only exception is where the awarding body's confidential assessment material has potentially been breached. The breach will be reported to the awarding body immediately
- 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
- 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

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries

- 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
- The Head of Centre will be informed of the outcome of any reports of malpractice

10. Sanctions

Awarding bodies will normally impose sanctions and penalties on individuals found guilty of malpractice, either a student or the member of staff involved. However, when the malpractice is judged to be the result of serious management failure, the awarding body may apply sanctions against a curriculum area, College or the Group as a whole. In these cases, the awarding body may make special arrangements to safeguard the interests of students who might otherwise be adversely affected.

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. Not all possible sanctions are applicable to every type of qualification or circumstance. Sanctions could include withdrawal of certification or loss of direct claim status for the curriculum area or disqualification from a qualification for a student. For further examples of possible sanctions refer to the JCQ and other awarding bodies' guidance.

Actions required to lift sanctions as directed by awarding bodies or regulatory bodies will be complied with fully by the Group.

Sanctions applied by awarding bodies following malpractice by an individual member of staff may also lead to the implementation of the Group disciplinary procedures for Staff.

In cases of significant malpractice, the police may also be informed.

11. Appeals

Awarding bodies must consider appeals against penalties arising from malpractice decisions.

For the JCQ awarding bodies, the following individuals have a right to appeal against decisions of the JCQ Malpractice Committee or officers acting on its behalf:

- College Principals who may appeal against sanctions imposed on the Group or its staff, as well as on behalf of students entered or registered by the Group
- Members of staff, who may appeal against sanctions imposed on them personally
- Students and candidates

12. Access to the policy

The Policy will be published on the Group website and the Exams section of STCG Online.

Appendix A

Examples of Staff Malpractice

The following are examples of staff malpractice. This is not an exhaustive list and other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

Breach of security

Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents, which could involve:

- Failing to keep examination material secure prior to an examination
- Discussing or otherwise revealing information about examinations and assessments that should be kept confidential e.g. internet forums/social media
- Moving the time or date of a fixed examination beyond the arrangements permitted within the JCQ's 'Instructions for Conducting Examinations'. Conducting an examination before the published date constitutes centre staff malpractice and is a clear breach of security
- Failing to supervise candidates who have been affected by a timetable variation
- Releasing candidates early from a timetabled assessment
- Permitting, facilitating or obtaining unauthorised access to examination material prior to an 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
- Tampering with candidate scripts, controlled assessments, coursework or non-examination assessments after collection and before despatch to the awarding body/examiner/moderator (this would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding body/examiner)
- Failing to keep secure computer files which contain work completed for controlled assessments, coursework or non-examination assessments

Deception

Any act of dishonesty in relation to any internal examination or assessment, but not limited to:

- Inventing or changing marks for internally assessed components (e.g. non-examination assessment and/or assignments) where there is no actual evidence of the students' achievement to justify the marks/grades awarded
- Manufacturing evidence of competence against national standards
- Fabricating assessment and/or internal quality assurance/moderation/verification records or authentication statements
- Entering fictitious students for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud)
- Substituting a controlled assessment, coursework or non-examination assessment of one student for another's
- Providing misleading or inaccurate information to an awarding body, students and/or parents/carers

Improper assistance to students

Any act where assistance is given beyond that permitted by the specification, regulations and/or awarding body assessment regulations to a student or group of students, which results in a potential or actual advantage in an examination or assessment, for example:

- Assisting students in the production of controlled assessment, coursework, non-examination assessment or portfolios, beyond that permitted by the regulations and awarding body rules

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

- Sharing or lending a student's controlled assessment, coursework, non-examination assessment or portfolio in a way which allows malpractice to take place
- Assisting or prompting students with the production of answers
- Permitting students in the production of an examination access to prohibited materials (e.g. dictionaries, calculators etc.)
- Prompting students in an examination/assessment by means of signs, or verbal or written prompts
- Assisting students granted the use of a Communication Professional, an Oral Language Modifier, a practical assistant, a prompter, a reader, or a scribe beyond that permitted by the regulations

Failure to co-operate with an investigation

Any act which prevents, hinders or misleads an investigation into suspected malpractice

- Failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whether an investigation is necessary: **and/or**
- Failure to investigate a request in accordance with the awarding body's instructions or advice; **and/or**
- Failure to investigate or provide information according to agreed deadlines: **and/or**
- Failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding body

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments or malpractice in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc, for example:

- Failing to ensure that controlled assessment, coursework, non-examination assessment or other work to be completed by students under controlled conditions is adequately completed and/or monitored and/or supervised
- Inappropriate members of staff assessing students for access arrangements who do not meet the criteria as detailed in JCQ's 'Access Arrangements and Reasonable Adjustments'
- Failure to use the correct tasks/assignments for assessments
- Failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with JCQ and other awarding body requirements
- Failing to issue candidates the appropriate notices and warnings, e.g. JCQ Information for Candidates 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 where examinations and assessments are held
- Not ensuring that the examination venue conforms to the requirements as stipulated by awarding bodies and specifically JCQ's 'Instructions for Conducting Examinations'
- Failing to prevent 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 candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination)
- Failing to remind candidates that any mobile phones, watches or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting
- Failure to invigilate examinations in accordance with JCQ's 'Instructions for Conducting Examinations'
- Failure to have on file for inspection purposes appropriate evidence as per JCQ's 'Access Arrangements and Reasonable Adjustments' to substantiate approved access arrangements processed electronically using the Access Arrangements online system

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

- Granting access arrangements to candidates who do not meet JCQ and other awarding body requirements
- Granting access arrangements to candidates where prior approval has not been obtained via required processes
- Failing to retain controlled assessments, coursework or non-examination assessments work completed by students securely after the authentication statements have been signed or the work has been marked
- Failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner
- Failing to despatch candidates' scripts, controlled assessments, coursework or non-examination assessments to the awarding bodies, examiners or moderators in a timely way
- Failing to notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body
- Breaching the published arrangements for the release of examination results
- Inappropriate retention or destruction of certificates
- Failing to recruit students with integrity, including the recruitment of students who have not met the qualification's minimum entry requirements wherever stipulated and/or the recruitment of students who are unable to otherwise unlikely to complete the qualification

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024

Appendix B

Examples of Student Malpractice

The following are examples of malpractice but this is not an exhaustive list and other instances of malpractice may be identified and considered by the awarding bodies at their discretion:

- The alteration or falsification of any results document, including certificates
- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations
- The unauthorised use of alternative electronic devices or technology during remote assessment and remote invigilation
- Accessing the internet or online materials during remote assessment and remote invigilation, where this is permitted
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments
- Collusion: working collaboratively with other students, beyond what is permitted
- Copying from another student (including the use of technology to aid copying)
- Allowing work to be copied, e.g. posting work on social networking sites prior to an examination/assessment
- The deliberate destruction of another student's work
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language)
- Failing to report to the centre or awarding body the students having unauthorised access to assessment related information or sharing unauthorised assessment related information online
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be assessment related by means of talking, electronic, written or non-verbal communication)
- Making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio
- Allowing others to assist in the production of controlled assessment, coursework, non-examination assessment or assisting others in the production of controlled assessment, coursework, non-examination assessment
- The misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials)
- Being in possession of unauthorised confidential information about an examination or assessment
- Bringing into the internal examination room notes in the wrong format (where notes are permitted) or inappropriately annotated texts (in open book internal examinations)
- The inclusion of offensive comments, obscenities or drawings; discriminatory language, remarks or drawings directed at an individual or group in scripts, controlled assessments, coursework, non-examination assessments 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, or reproduction of, published sources or incomplete referencing
- Theft of another student'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), watches, instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers, Smartwatches or other similar electronic devices
- The unauthorised use of a memory stick or similar device where a candidate uses a word processor
- Facilitating malpractice on the part of other candidates
- Behaving in a manner so as to undermine the integrity of the examination

Policy Title: Exams & Assessments Policy – Appendix 8 Malpractice & Maladministration Policy	Staff Members Responsible: Heads of Exams/Vice Principal QDLS
Version: September 2023	Review Date: September 2024