



# Ashfield Girls' High School



**“Each different. Each talented. All valued.”**

## Malpractice Policy

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## **Executive Summary**

This policy is intended for all those involved in or affected by malpractice incidents, including those who wish to report malpractice concerns regarding the delivery of general and vocational qualifications which are certificated by JCQ awarding bodies.

This policy details the procedures agreed by the JCQ awarding bodies for dealing with malpractice and breaches of security.

The policy;

- identifies the regulations under which examinations and assessments operate;
- defines malpractice in the context of examinations and assessments;
- sets out the rights and responsibilities of awarding bodies, centre staff and candidates in relation to such matters;
- describes the procedures to be followed in cases where there is reason to suspect that the JCQ regulations may have been broken;
- details the procedures for investigating and determining allegations of malpractice.



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## **Section A Aims of the Policy**

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 uses the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means any act, default or practice which is:

- a breach of the JCQ Regulations; and/or
- a breach of awarding body requirements regarding how a qualification should be delivered; and/or
- a failure to follow established procedures in relation to a qualification;
- which:
- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.



## **Section B Legislative Context**

This policy is directly quoted from the JCQ publication  
[www.jcq.org.uk/wpcontent/uploads/2023/02/Malpractice\\_Feb23\\_v1.pdf](http://www.jcq.org.uk/wpcontent/uploads/2023/02/Malpractice_Feb23_v1.pdf)

The JCQ publication provides detailed guidance on what Malpractice is, and how it should be prevented or managed, if necessary. In all instances, the JCQ publication will be used to manage any incident, query or investigation related to malpractice and maladministration. This policy provides an overview of the key areas held within the above publication. Reference should be made to the above publication.

### **Section C Policy and Procedures**

All those involved in the public qualifications system have a role to play in supporting the appropriate delivery of assessments and upholding the integrity of qualifications. Whilst the vast majority of centres, centre staff and candidates do not normally experience any form of malpractice, it is important that all are aware of the risks of malpractice and take steps to prevent it occurring. Where malpractice does occur, it is important that prompt action is taken to safeguard the integrity of all qualifications.

Incidents of malpractice arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- some incidents arise due to a lack of awareness of the regulations or forgetfulness in applying the regulations (which may often be called 'maladministration');
- some occur as a result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the supervision of candidates is disrupted).

The individuals involved in malpractice also vary. They may be:

- candidates;
- teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, administration or quality assurance of examinations and assessments including examination officers, invigilators and those facilitating access arrangements (e.g. readers, scribes and classroom assistants);
- assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- other third parties (e.g. parents/carers, siblings or friends of the candidate)

Malpractice may or may not relate directly 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 examination centres change.



Failure by a centre to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice, constitutes malpractice in itself.

Also, failure to take action, as required, by an awarding body, as detailed in this document, or to co-operate with an awarding body's investigation, constitutes malpractice.

The JCQ member awarding organisations divide malpractice into the following types:

- breach of security;
- deception;
- improper assistance to candidates;
- failure to co-operate with an investigation;
- maladministration;
- candidate malpractice

The regulators' Conditions of Recognition (A8.1) state that awarding bodies must:

- take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of qualifications which it makes available or proposes to make available.

Awarding bodies will minimise or eliminate the risk of malpractice through a range of approaches which include but are not limited to:

- Ensuring that the design of qualifications reduces, as far as reasonably possible, the opportunity for malpractice to occur.
- Providing clear processes for the administration of qualifications which reduce, as far as reasonably possible, the opportunity for malpractice to occur.
- Issuing clear and robust guidance documents on all aspects of the delivery and administration of all qualifications

### Preventing Malpractice

Centre must take all reasonable steps to prevent malpractice. These can include but are not limited to:

### ***Centre staff malpractice and maladministration.***

- Ensure that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the JCQ documents above and any further awarding body guidance.
- Ensure that examination officers are appropriately trained, resourced and supported.
- Ensure that all staff who manage and implement special considerations and access arrangements are aware of the requirements and are appropriately supported and resourced.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials, including via social media.
- Ensure that examination clash arrangements are planned and managed effectively.
- Ensure that staff delivering/assessing coursework or non-examination assessments have robust processes in place for identifying and reporting plagiarism or other potential candidate malpractice.
- Ensure that the centre has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.

### ***Candidate malpractice***

- Ensure that all JCQ notices, e.g. Information for candidates, nonexamination assessments, coursework, on-screen tests, written examinations, social media, plagiarism are distributed to candidates prior to assessments/examinations taking place.
- Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.
- Ensure that candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice.
- Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.
- Ensure that candidates involved in examination clash arrangements are aware of appropriate behaviour during supervision, i.e. ensuring that candidates cannot pass on or receive information about the content of assessments, thereby, committing candidate malpractice.
- Ensure that candidates completing coursework or non-examination assessments are aware of the need for the work to be their own.





## Reporting Malpractice

Suspected malpractice can be identified and reported by any of the following:

- centres (including by students, parents or centre staff);
- awarding bodies (including by examiners, moderators and awarding body staff);
- other individuals (such as funding agency staff, anonymous sources, or members of the public).

Form JCQ/M1 should be used to notify an awarding body of an incident of candidate malpractice. The form is available from the JCQ website <http://www.jcq.org.uk/exams-office/malpracticea>. Notifications in letter format will be accepted but must provide the information as required by the form.

Examiners, moderators, monitors and external verifiers who suspect malpractice in an examination or assessment will notify the relevant awarding body immediately using the procedures established by the awarding body. Upon receipt of malpractice concerns the relevant awarding body will review them and determine the appropriate next steps.

## Conflicts of Interests

In all cases, the head of centre must confirm to the awarding body the identity of the individual who will gather information and that the individual is appropriately senior, experienced in conducting similar types of investigations and that their appointment will not create a conflict of interest. The awarding body will confirm whether or not they agree to the suggested information gatherer. A conflict of interest would arise where:

- the information-gatherer has direct line management responsibility for any of the accused individuals;
- the information-gatherer has overall responsibility for the area of work subject to the investigation;
- the information-gatherer has a relationship, beyond the working relationship, with any of the accused individuals;
- the above do not apply but there is or could be a perception that the individual would have a conflict of interest.

In the event of any concerns regarding conflicts of interest, or the suitability of the potential information-gatherer, the head of centre must contact the awarding body as soon as possible to discuss the matter.

Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) must submit a written report summarising the case



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

In order to determine the outcomes in cases of alleged malpractice, awarding bodies may appoint a Panel or Committee composed of internal and/or external members experienced in examination and assessment procedures.

In making a decision on any case, the Malpractice Committee will first establish that correct procedures have been followed in the investigation, and that all individuals involved have been given the opportunity to make a written statement. Where individuals have had the opportunity to make a final written statement, but have declined this opportunity, the case will proceed on the basis of all other information received.

All sanctions resulting from cases of malpractice are subject to appeal. Please see section 12 and the JCQ publication A guide to the awarding bodies' appeal processes for further information <http://www.jcq.org.uk/exams-office/appeals>

### **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 breaching the regulations;
- deter others from doing likewise.

Awarding bodies will impose sanctions (see Appendix) on individuals found guilty of malpractice where appropriate. Sanctions will usually be applied in cases where there has been a risk to the integrity of the qualification. The individuals who receive sanctions will usually be the candidate(s) or the responsible member(s) of staff. However, when malpractice is judged to be the result of a serious management failure within a department or the whole centre, the awarding body may apply sanctions against the centre and/or centre management.



## Appeals to Sanctions

All 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 taking or delivery of the awarding body's examinations or assessments.

Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions. Appeals must normally be made within 14 days of receiving the outcome of the Malpractice Committee's decision.

Further information about the awarding bodies' appeals process may be found in the JCQ publication A guide to the awarding bodies' appeals processes:

[www.jcq.org.uk/exams-office/appeals](http://www.jcq.org.uk/exams-office/appeals)

## **Section D Roles and Responsibilities**

### **Responsibilities – Awarding Bodies**

The regulators' Conditions of Recognition state that awarding bodies must:

- establish and maintain, and at all times comply with, up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration; and
- ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.
- The awarding body will:
  - oversee all investigations into suspected or alleged malpractice;
  - determine whether to withhold the issuing of results until the conclusion of the investigation, or permanently, where the outcome of the investigation warrants a sanction;
  - apply appropriate sanctions in cases of proven malpractice;
  - report the matter to the regulators and other awarding bodies in accordance with the regulators' Conditions of Recognition;
  - consider reporting the matter to the police if suspected or proven malpractice involves the committing of a criminal act;
  - consider reporting the matter to other appropriate authorities where relevant, e.g. Funding Agencies and Teaching Regulation Agencies;
  - protect the interest of candidates affected through no fault of their own by an incident of malpractice;
  - decide what information should be gathered and who it deems the most appropriate person(s) to gather information on its behalf. The investigation itself, its progress and any decisions made in relation to an investigation are owned by the relevant awarding body.

**The head of centre must:**

- notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate. If staff malpractice is discovered in coursework or non-examination assessments, the head of centre must inform the awarding body immediately, regardless of whether the authentication forms have been signed by the candidate(s);
- report malpractice using the appropriate forms;
- be accountable for ensuring that the centre and centre staff comply at all times with the awarding body's instructions regarding an investigation;



- ensure that if it is necessary to delegate the gathering of information to a senior member of centre staff, the awarding body's agreement is obtained and the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The head of centre should ensure there is no conflict of interest which might compromise the investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- make information requested by an awarding body available speedily and openly;
- co-operate with an enquiry into an allegation of malpractice and ensure that their staff do so also, whether the centre is directly involved in the case or not;
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in this document;
- forward any awarding body correspondence and evidence to centre staff and/or provide staff contact information to enable the awarding body to do so;
- at all times comply with data protection law;
- pass on to the individuals concerned any warnings or notifications of sanctions and ensure compliance with any requests made by the awarding body as a result of a malpractice case.



### **Section E Monitoring, Evaluation, Review and Communication of the Policy**

The Malpractice Policy will be monitored by the Head of Centre. It will be reviewed by the Head of Centre following each exam series and a review will take place following the publication of new or updated guidelines from JCQ.

The Policy will be available to view by all stakeholders on the school website. The policy will be communicated to all stakeholders by the Examination Officer in advance of any examination series.



## **Appendix 1 Sanctions**

### **Sanctions for Individuals**

When determining the appropriate sanction which should be applied to an individual, the awarding body will consider whether the integrity of its qualifications might be at risk if an individual found to have committed malpractice were to be involved in the future conduct, supervision or administration of the awarding body's examinations or assessments.

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

In determining the appropriate sanction, the awarding body will consider factors including:

- the potential risk to the integrity of the examination or assessment;
- the potential adverse impact on candidates;
- the number of candidates and/or centres affected; and
- the potential risk to those relying on the qualification (e.g. employers or members of the public).

The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

Individuals may be subject to one or more sanctions.

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

#### Written warning

A written warning that if the member of staff commits malpractice within a set period of time, further specified sanctions will be applied.

#### Training

The member of staff, as a condition of future involvement in the delivery of the awarding body's examinations and/or assessments, to undertake specific training or mentoring within a particular period of time. The awarding body may request written confirmation of the delivery of the training.



Special conditions - Special conditions are imposed on the member of staff regarding their future involvement in the delivery of the awarding body's examinations and/or assessments. For example, the member of staff must be supervised.

Suspension/debarment - The member of staff is suspended/debarred from all involvement in the delivery or administration of the awarding body's examinations and assessments for a set period of time. Other awarding bodies, regulators, and other organisations such as the Teaching Regulation Agency (TRA) and Education Workforce Council (EWC) may be informed when a suspension/debarment is imposed.

These sanctions will be notified to the head of centre who must ensure that they are communicated to the member of staff and adhered to.

If a member of staff moves to another centre while being subject to a sanction, the head of centre must notify the awarding body of the move. Awarding bodies reserve the right to inform the head of the centre to which the staff member is moving as to the nature of, and the reason for, the sanction.

If a centre changes awarding body for a qualification, and a member of staff involved in the delivery or assessment of the qualification is subject to a sanction, the head of centre must notify the new awarding body.

The awarding body may, at its discretion, ask for monitoring activity to be undertaken, or a plan devised to provide assurance that sanctions against centre staff are being appropriately applied.

### Sanctions for Centre Staff or the Centre

Centres may be subject to one or more of the below sanctions.

Awarding bodies may, at their discretion, impose the following sanctions against centres:

#### Written warning

A written warning to the head of centre advising of the malpractice and warning that further action may be taken (including the application of sanctions and special conditions) should there be a recurrence, or subsequent malpractice at the centre.





#### Review and report procedures/action plans

The head of centre will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment, or all examinations/assessments in general. The head of centre will additionally be required to report back to the awarding body on improvements implemented by a set date. Alternatively, an action plan will be agreed between the awarding body and the centre which will need to be implemented as a condition of continuing to accept entries or registrations from the centre.

#### Approval of specific assessment tasks

The approval by the awarding body of specific assessment tasks in situations where these are normally left to the discretion of the centre.

#### Additional monitoring or inspection

The awarding body may increase, at the centre's expense, the normal level of monitoring that takes place in relation to their qualification(s).

#### Removal of direct claims

Direct claims status may be removed from the centre, meaning that all claims for certification must be authorised by the centre's external verifier. (This sanction only applies to vocational qualifications.)

#### Restrictions on examination and assessment materials

For a specified period of time, a centre will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used. These papers might be opened and distributed under the supervision of the awarding body officer (or appointed agent) responsible for the delivery. The centre might also be required to hand over to an awarding body officer (or appointed agent) the completed scripts and any relevant accompanying documentation, rather than using the normal script collection or despatch procedures. These measures may be applied for selected subjects or all subjects.

#### Independent invigilators

The appointment for a specified period of time, at the centre's expense, of independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the published regulations.

#### Suspension of candidate registrations or entries

An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to accept candidate entries or registrations from a centre. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.



### Withdrawal of approval for a specific qualification(s)

An awarding body may withdraw the approval of a centre to offer one or more qualifications issued by that awarding body.

### Withdrawal of centre recognition/approval

The awarding body may withdraw its recognition or approval for the centre. This would mean that the centre will not be able to deliver or offer students the respective awarding body's qualifications. The regulators, awarding bodies and other appropriate authorities will be informed if this action is taken. At the time of withdrawal of centre recognition, where determined by an awarding body, a centre will be informed of the earliest date at which it can reapply for registration and any measures it will need to take prior to this application. Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.

Any expense incurred in ensuring compliance with the sanctions and/or special conditions may be borne by the centre.

### Sanctions Applied Against Candidates

Candidates may be subject to one or more sanctions.

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

#### Warning

The candidate is issued with a warning that if he/she commits malpractice within a set period of time, further specified sanctions will be applied.

#### Loss of all 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 nonexamination assessment if this consists of several items.

#### Loss of all marks for a component

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

#### 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 sanction usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.



#### 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.

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

If circumstances justify, sanction 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous examination series are retained.) This sanction is only available if the qualification is unitised.

#### Disqualification from a whole qualification

The candidate is disqualified from the whole qualification taken in that series or academic year. This sanction can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination 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.

#### Disqualification from all qualifications taken in that series

If circumstances justify, 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 examination 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.

#### 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.

Unless a sanction is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification may re-take the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

Heads of centre may wish to take further action themselves in cases of candidate malpractice.

# ***Challenging girls today; creating women of value in the future***



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