



North Tyneside Council

North Tyneside Council Adult Learning Service

Malpractice procedure

30.8.17

Procedure

NTCALS Quality Assurance arrangements are designed to ensure all learners receive the highest standards of assessment and accreditation and maintain confidence in the integrity, standards and credibility of all awards, internal and external. This document aims to:

- Define malpractice in the context of assessment and accreditation.
- Set out the roles and responsibilities of NTCALS staff and learners in relation to such matters.
- Describe the procedures to be followed where there is reason to suspect the regulations have been broken.

NTCALS views non-compliance with, or breaches of, statutory and internal quality assurance requirements very seriously and will take action to address any issues. It is expected that suspicions of malpractice will be reported by learners and all staff wherever they originate. NTCALS will inform the awarding body immediately and the quality lead will instigate a fact finding investigation in line with the awarding body guidelines and JCQ regulations.

NTCALS procedures align with current guidance in the JCQ General and Vocational Qualifications, *Suspected Malpractice in Examinations and Assessments, Policies and Procedures*.

Malpractice is deemed to be any practice or action, which threaten the integrity of assessment or certification.

Malpractice can be:

- Intentional and aim to give an unfair advantage in an examination or assessment.
- Due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations.
- A result of an incident or circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted).

The individuals involved in malpractice are also varied. They may be:

- candidates;
- teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, the administration or the quality assurance of examinations and assessments;
- assessment personnel such as examiners, invigilators, assessors, moderators or internal and external verifiers;
- other third parties, e.g. parents/carers/guardians, siblings, friends of the candidate.

Candidate Malpractice may include, for example:

- 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;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with other candidates, beyond what is permitted;
- copying from another candidate (including the use of ICT to aid the copying);
- allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment;
- the deliberate destruction of another candidate's work;
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials);
- being in possession of confidential material in advance of the examination;
- bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- the inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework 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 published or unpublished sources, or incomplete referencing;
- theft of another candidate's work;
- bringing into the examination room or assessment situation unauthorised material, e.g. watches, notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- the unauthorised use of a memory stick where a candidate uses a word processor;
- behaving in a manner so as to undermine the integrity of the examination.

This list is not exhaustive.

NTCALs Malpractice: Guidance to learners and JCQ Fair Processing Notice are given to candidates as they register for an award. Candidates are asked to sign to confirm they have understood the documents.

Malpractice by centre staff may include:

- Marking or accepting fraudulent evidence (work which is known not to be the candidate's (not authentic).
- Assisting or prompting learners with the production of answers when not permitted.
- Failing to keep assessment secure prior to assessment.
- Obtaining unauthorised access to assessment material prior to assessment.
- Failing to keep learners' work, mark schemes, computer or other files secure.
- Alteration of assessment(s), mark schemes or grading criteria.
- Falsifying witness statements.
- Falsifying records/certificates.
- Failing to abide by the conditions of supervision designed to ensure the security of assessment.
- Misusing the conditions for special student requirements.

All staff involved with administration or assessment of external awards are aware of the seriousness and consequences of malpractice.

All staff assessing and verifying external awards agree to comply with the quality standards of the Alliance and awarding bodies.

Reporting Malpractice

Immediately a suspicion, an accusation or an incident of malpractice or maladministration is made the quality lead will be informed. The quality lead will report the suspicion to the awarding body and instigate a fact finding investigation by a Programme Manager or IQA unrelated to the award and staff concerned.

The quality lead will inform the accused and relevant staff that malpractice is suspected and that they will be invited to attend a fact finding meeting with the staff conducting the investigation. The fact finding will be conducted as soon as it can be arranged.

If the quality lead is implicated in the allegations the head of centre will be informed and will inform and be guided by the awarding body, which will arrange for an investigation to be undertaken by an appropriate person.

The accused and relevant staff will be issued with copies of the JCQ Suspected Malpractice in Examinations and Assessments, NTCALA Malpractice procedure and the relevant awarding body malpractice policy and procedures documents in advance of the meeting.

Anonymous reports

Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the report warrants it. If an anonymous allegation is received the quality lead will ask the Programme Manager or Lead IQA to investigate (unless this person is implicated, in which case another suitably person will be appointed). If there is sufficient evidence to give cause for concern the quality lead will instigate the malpractice procedure and inform the awarding body.

Conduct of the fact finding investigation:

The fact finding investigation will seek to establish the full facts and circumstances of any alleged malpractice. It will be fair, thorough and objective.

In serious cases of suspected malpractice awarding bodies may want to be represented at the fact finding interview. Individuals subject to a malpractice investigation will have access to all evidence against them and be provided with sufficient time to prepare a response, preferably in writing.

All interviews relating to the investigation will be conducted in line with North Tyneside Council guidance on conducting fact finding investigations.

On completion of the fact finding investigation the Programme Manager or Lead IQA will submit a report to the quality lead, who will, in turn submit it to the awarding body.

The fact finding investigation report will include:

- The details of the person conducting the investigation.
- A copy of the allegations, incident or concern.
- A detailed description of the investigations carried out.
- A copy of all supporting evidence.
- Written statement(s) from the moderators or other staff concerned.
- Written statement(s) from the learner(s) concerned.
- A list of those consulted/interviewed.
- A list of questions and answers from all those interviewed, with details, dates and times.
- A summary of the findings and recommendations.

Proven Malpractice

- Where malpractice by a learner is proved the awarding body is responsible for imposing sanctions in relation to the qualification. This is usually a decision taken by a panel convened to consider the offence and is communicated in writing to the quality lead.
- The quality lead will communicate the decision and sanctions to the learner and may impose internal sanctions at their discretion. Learners will be informed of the awarding body appeals procedure should they want to appeal a judgement against them.
- Unless disqualified from the qualification by the awarding body the learner will be given opportunity to achieve the award or qualification by submitting evidence which is current, valid, reliable, authentic and sufficient.

Sanctions

Taking into account the degree of malpractice (moderate to serious) determined by the investigation the sanctions imposed may include:

- The learner having to redo work under supervision.
- Being set a different assignment from the original.
- A verbal warning.
- The learner may be asked to leave the course.

These are some of the options available. In all cases, a record will be made in the learner's file of the allegation, the outcome and sanctions. This information may be used by staff if they are asked to provide a reference.

If malpractice by a member of staff is proven North Tyneside Council's disciplinary process will be instigated. Staff will be informed of the routes for appealing should they want to appeal a judgement against them.

If a crime has been committed the police will be involved.

Following the report and actions the senior manager and the quality lead, will consider the incident and, if necessary review and revise quality assurance procedures and communicate this to the Adult Learning Service Managers meeting to ensure NTCALS processes continue to protect the integrity of assessment and to prevent future breaches.