

# TKS Malpractice Policy

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### 1. Definition of Malpractice:

‘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.

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For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice.

## **2. Types of Malpractice:**

### 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.

## **3. Roles and Responsibilities:**

The following roles and responsibilities are to avoid malpractice, and to escalate and report it when it does occur.

### Head of Centre:

The responsibility in reporting alleged, suspected or actual incidents of malpractice involving candidates, teachers, invigilators or other administrative staff lies with the Head of Centre. The Head of Centre will:

- report to the relevant awarding body all alleged, suspected or actual incidents of malpractice involving candidates, teachers, invigilators or other administrative staff;
- 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 controlled assessments, coursework or non-examination assessment before the authentication forms have been signed by the candidate;
- Recognise that failing to report all alleged, suspected or actual incidents of malpractice in examinations and assessments to the appropriate awarding body is in itself malpractice. This may result in sanctions being applied against the head of centre and/or the centre;
- Co-operate with awarding bodies by reporting alleged, suspected or actual incidents of malpractice, which is essential in guaranteeing the fairness of the public examinations system for all.

### Exams Officer:

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The Exams Officer will:

- Run a mock exam series for Y11 following JCQ regulations;
- Hold briefing sessions with Y11 on JCQ's regulations for exams;
- Ensure that staff and candidates are made aware of JCQ and awarding body requirements relating to malpractice and the indicative sanctions when an alleged, suspected or actual incident of malpractice occurs within their centre;
- Collate the necessary evidence in respect of a candidate;
- Complete JCQ reporting forms following an alleged, suspected or actual incident of malpractice (JCQ/M1 to report suspected candidate malpractice and JCQ/M2 to notify of suspected malpractice/maladministration involving centre staff);
- Ensure the Head of Centre is informed and signs off the forms; and
- Provide the accused with the information which has been reported to the relevant awarding body.

## Invigilators:

Invigilators will:

- Attend training provided by the Exams Officer;
- Conduct examinations in line with the Instructions for Conducting Examinations publication;
- Deal with incidents of malpractice as they occur.

## Teaching staff:

Staff who teach subjects which include non-examination assessment or coursework will:

- Be aware of regulations relating to these assessments;
- Ensure pupils know these regulations;
- Ensure pupils know how to acknowledge sources, including computer-generated content.

All teaching staff will:

- Ensure pupils know the exam regulations and sanctions. This should also include detailing specific examination materials which may be permitted for that subject.

## **4. Identifying and Reporting 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, with the support of the Exams Officer, conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication Suspected Malpractice: Policies and Procedures.

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

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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.

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

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.

## **5. 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 (or Exams Officer) 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 (or Exams Officer) will also inform the individuals if they have the right to appeal

## **6. Appeals against decisions made in cases of malpractice**

The Exams Officer 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.

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## Appendix 1: Specific Examples of Malpractice

(See Suspected Malpractice: Policies and Procedures, Appendix 2 for further examples, and

Illustrations of malpractice (and outcomes) Appendix 7)

Type of malpractice	Examples
Breach of security	<p>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.</p> <p>For example:</p> <ul style="list-style-type: none"><li>• Failing to keep examination material secure prior to an examination</li><li>• Discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g. internet forums/social media</li></ul>
Deception	<p>Any act of dishonesty in relation to an examination or assessment.</p> <p>For example:</p> <ul style="list-style-type: none"><li>• Inventing or changing marks for internally assessed components (e.g. non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded</li><li>• Manufacturing evidence of competence against national standards</li></ul>
Improper assistance to candidates	<p>Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment.</p> <p>For example:</p> <ul style="list-style-type: none"><li>• Assisting candidates in the production of controlled assessment, coursework, non- examination assessment or portfolios, beyond that permitted by the regulations</li><li>• Sharing or lending candidates' controlled assessment, coursework or non-examination assessment with other candidates in a way which allows malpractice to take place</li><li>• Assisting or prompting candidates with the production of answers</li></ul>

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Failure to co-operate with an investigation	<p>For example:</p> <ul style="list-style-type: none"><li>• 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</li><li>• Failure to investigate or provide information according to agreed deadlines; and/or</li><li>• Failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding body</li></ul>
Maladministration	<p>For example:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with the JCQ publications</li><li>• Failing to issue to candidates the appropriate notices and warnings, e.g. JCQ Information for candidates documents</li><li>• Failing to post notices relating to the examination or assessment outside all rooms (including Music and Art rooms) where examinations and assessments are held</li><li>• Not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions for conducting examinations</li></ul>
Candidate malpractice	<p>For example:</p> <ul style="list-style-type: none"><li>• 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</li><li>• Accessing the internet or online materials during remote assessment and remote invigilation, where this is not permitted</li><li>• Copying from another candidate (including the use of technology to aid the copying)</li></ul>

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	<ul style="list-style-type: none"><li>• Allowing work to be copied, e.g. posting work on social networking sites prior to an examination/assessment</li><li>• Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language)</li><li>• Impersonation</li><li>• Plagiarism</li></ul>
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## Appendix 2: Indicative Sanctions Against Candidates (selected instances of malpractice)

(see Suspected Malpractice: Policies and Procedures, Appendix 6 for further examples)

Please note that repeated offences may result in an escalation in sanctions.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Mobile phone or similar electronic devices (including iPod, MP3/4 player, memory sticks, smartphone, smartwatch, airpods, earphones and headphones)	Not in the candidate's possession but makes a noise in the examination room	In the candidate's possession but no evidence of being used by the candidate	In the candidate's possession and evidence of being used by the candidate
Watches (not smartwatches)	In the candidate's possession		
A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the	Minor non-compliance: e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop	Major non-compliance: e.g. refusing to move to a designated seat; significant amount of writing after being told to stop	Related non-compliance

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examination rules and regulations			
Disruptive behavior in the examination room or assessment session (including use of offensive language)	Minor disruption lasting a short time; calling out, causing noise, turning around	Repeated or prolonged disruption; unacceptably rude remarks; being removed from the examination room; taking another's possessions	Warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property
Copying from another candidate or allowing work to be copied (including the misuse of technology)	Lending work not knowing it would be copied	Permitting examination script/work to be copied; showing other candidates' answers	Copying from another candidate's script, controlled assessment, coursework, non-examination assessment; borrowing work to copy
Personation			Deliberate use of wrong name or number; personating another individual; arranging to be personated
Use of social media for the exchange and circulation of real or fake assessment material	Attempting to source secure assessment related information online/via social media	Accepting/receiving real or fake assessment related information via social media without reporting it to the awarding body	Misuse of assessment material (real or fake) including: attempting to gain or gaining prior knowledge of assessment information via social media; improper disclosure of real or fake assessment information; passing or distributing real or fake assessment related information to others.

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## Standard sanctions

1. Warning
2. Loss of all marks gained for a section
3. Loss of all marks gained for a component
4. Loss of all marks gained for a unit
5. Disqualification from the unit
6. Disqualification from all units in one or more qualifications taken in the series
7. Disqualification from the whole qualification
8. Disqualification from all qualifications taken in that series
9. Barred from entering for examinations for a set period of time