

## Malpractice and Maladministration Policy

### Policy Control Page

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Feb 2019	V1	Salena Hutton	Policy Created
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### 1: Introduction

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding malpractice in the assessment of internally marked qualifications, controlled assessments and regarding external examinations invigilated by staff at the school.

The aim of this policy is:

- To identify and minimise the risk of malpractice and/or maladministration by staff or learners
- To respond to any incident of alleged malpractice/maladministration promptly and objectively
- To standardise and record any investigation malpractice/maladministration to ensure openness and fairness.
- To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) of malpractice/maladministration are proven
- To protect the integrity of this centre and awarding bodies

Irrespective of the underlying cause or the people involved, Exeter Royal Academy for Deaf Education treats all cases of suspected malpractice and maladministration very seriously. The Academy will notify the appropriate awarding body, at the earliest opportunity, of all suspicions or actual incidents of malpractice/maladministration. The Academy accepts that in certain circumstances an awarding body may take action of its own, including imposing sanctions, which may result in withdrawal of centre recognition.

The Academy will:

- Adhere to guidelines in the Joint Council for Qualifications (JCQ) Suspected Malpractice in Examinations and Assessments policy and any policy of awarding bodies not represented by the JCQ
- Co-operate fully with any awarding body/regulator investigation

## 2: Definition of Malpractice and Maladministration

Malpractice, which includes non-compliance, means any act, default or practice which is a breach of regulations or any act which:

- Compromises or may compromise the process of assessment and the integrity of a qualification or validity of a result or certificate and/or
- Damages the authority, reputation or credibility of an awarding body, a centre or any member of staff belonging to an awarding body or centre

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate learner records).

## 3: Examples of Malpractice and Maladministration

The following are examples of malpractice and maladministration. These lists are not exhaustive and other instances of malpractice/maladministration may be considered and acted upon.

### Malpractice

#### Staff Malpractice

- Misusing the conditions for special learner requirements
- Assisting candidates with the production of work outside of the Awarding Body guidance
- Fabricating assessment and or internal verification records or authentication statements
- Allowing evidence, which is known by the staff member not to be the student's own, to be included in a student's assignment/task/portfolio/coursework
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made
- Failure to keep candidate coursework/portfolios of evidence secure
- Moving the time or date of a fixed examination
- Failure to keep examination question papers, examination scripts or other assessment materials secure, before during or after an examination
- Facilitating and/or allowing impersonation
- Allowing a student to possess and / or use material or electronic devices that are not permitted in the examination room
- Allowing students to communicate by any means during an examination in breach of regulations
- Allowing a student to work beyond the allotted examination time
- Leaving students unsupervised during an examination
- Assisting or prompting candidates with the production of answers

## **Student Malpractice**

- Plagiarism: using and copying someone else's idea or work and submitting it as the student's own
- Collaborating with another student or individual, by any means, to complete a coursework assignment or assessment, unless it has been clearly stated that such collaboration is permitted
- Deliberately damaging another student's work
- Bringing into the exam or assessment room unauthorised material, for example, a mobile phone, notes or smart watches.
- Communicating in any form, for example through the use of British Sign Language, verbally or electronically, with other students in the exam/assessment room, when it is prohibited
- Failure to comply with instructions given by the exam/assessment invigilator

## **Maladministration**

- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned to the centre,
- Late learner registrations (both infrequent and persistent),
- Unreasonable delays in responding to requests and/or communications from an Awarding Body
- Inaccurate claim for results and/or certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from an Awarding Body which is required to assure them of the Academy's ability to deliver qualifications appropriately

## **4: Staff Malpractice/Maladministration Procedure**

All cases of suspected malpractice/maladministration should be reported, in the first instance, to the Examinations Officer (or to an Assistant Principal, if it concerns the Examination Officer). As much information as possible should be provided, including the following:

- a) The date time and place the alleged malpractice took place, if known.
- b) The name of the staff member or other person(s) involved
- c) A description of the suspected malpractice;
- d) Any available supporting evidence.

The Examinations Officer (or Assistant Principal) will inform the Principal/Head of Centre. The Principal/Head of Centre will monitor and report potential malpractice

by staff members to the awarding body as soon as possible. The Principal/Head of Centre will retain overall responsibility but may delegate the investigation to an appropriate member of staff who is independent and not connected to member of staff suspected of the malpractice/maladministration.

The initial investigation will be carried out within the deadline set by the awarding body or one calendar month, whichever is the soonest. It will involve establishing the full facts and circumstances of any alleged malpractice/maladministration. It should not be assumed that because an allegation has been made, it is true.

Where appropriate, the staff member concerned and any potential witnesses will be interviewed and their version of events recorded on paper. The member of staff will be:

- Informed in writing of the allegation made against him or her at the earliest opportunity, and at the latest within two working days from its discovery
- Informed what evidence there is to support the allegation
- Informed of the possible consequences, should malpractice be proven
- Given the opportunity to consider their response to the allegations
- Given the opportunity to submit a written statement
- Given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- Informed of the Academy's and appropriate awarding body's disciplinary process and appeals procedure, in the event that that any eventually investigation may result in disciplinary proceedings
- Informed of the possibility that information relating to a serious case of malpractice will be shared with the relevant awarding body and may be shared with other awarding bodies, the regulators Ofqual, the police and/or professional bodies including the General Teaching Council.

If the investigation finds that malpractice/maladministration is proven, the process will then follow the Academy Disciplinary or Capability Policy and appropriate sanctions will be applied, if misconduct/poor performance is proven.

Investigations into alleged malpractice/maladministration or irregularities against the Principal/Head of Centre will be carried out by the Chair of the School's Governing Body or a relevant external independent investigator.

The Academy will promptly take all reasonable steps to prevent any adverse effect that may arise as a result of the malpractice/maladministration, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of awarding bodies qualifications and reputation is taken.

## **5: Staff Right of Appeal**

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in line with the Academy Disciplinary or Capability Policy. The awarding body or JCQ appeals' policy and procedure may also be followed, if appropriate.

## **6: Student Malpractice Procedure**

If a teacher suspects a student of malpractice, they will inform the Examinations Officer, who will inform the Principal/Head of Centre. The Principal/Head of Centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this, in line with JCQ policy, is candidate malpractice discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate

The Principal/Head of Centre will retain overall responsibility for conduct of an enquiry, but may delegate to the Examinations Officer and/or subject teacher, as appropriate. The student will be informed at the earliest opportunity, and at the latest within two working days from notification to the Examinations Officer.

The allegations will be explained and the student informed of the possible consequences should be malpractice be proven. The parent(s)/guardian(s) of the student will also be notified in writing, of the alleged malpractice and of the possible consequences. The student will have the opportunity to give their side of the story before any final decision is made.

In respect of coursework, if the student accepts that malpractice has occurred, he/she will be given the opportunity to repeat the assignment. If found guilty of malpractice following an investigation, the teacher may decide to re-mark previous assignments and these could also be rejected if similar concerns are identified.

Where the suspected malpractice has taken place in an examination, the incident be reported urgently and the appropriate steps taken as specified by awarding bodies. Wherever possible, and provided other students are not disrupted by doing so, a student suspected of malpractice should be warned immediately that their actions may constitute malpractice, and that a report will be made to the centre. It is unlikely that the candidate will have the opportunity to repeat the examination.

If the student is found guilty of malpractice a full written report of the case will be submitted to the relevant awarding body. Sanctions may be imposed by the Academy and/or the awarding body. Possible sanctions the Academy may impose are:

- A written warning about future conduct
- Loss of marks for a course section/unit
- Removal from the course

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact each

individual separately, and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

## **7: Student Right of Appeal**

The student has a right to appeal against a malpractice decision outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment.

Appeals should be made in writing to the Principal/Head of Centre within 5 working days from notification of the outcome. The student should set out as clearly and concisely as possible the grounds for the appeal and must include any further evidence relevant to supporting the appeal.

All appeals will be dealt with by a member of the Senior Leadership Team who was not involved in the original investigation or decision. They will follow JCQ or awarding body policy, procedure and timescales. Students will be notified in writing of the outcome within 2 working days.