



Malbank School and Sixth Form College

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*Rejoice in being the best that we can be*

## **Examinations: Candidate Malpractice in Public Exams**

*Reviewed by AH in December 2022*

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## **Foreword**

“Candidate Malpractice” means malpractice by a candidate in the course of any examination or assessment, including the preparation and authentication of any controlled assessment or coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of an examination paper (either external public examinations or mocks).

Candidates have been given, in advance of each exam session, clear instructions (both written and verbal) on what they must and must not do in public examinations and clear examples of what is considered to be malpractice. They have also been warned of the consequences should they fail to adhere to the rules and regulations laid down by the public examinations system.

## **Aim**

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

## **What is Malpractice?**

### **Definition of Malpractice**

‘Malpractice’, means any act, default or practice which is a breach of the Regulations or 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.

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## **Examples by Learners**

Malpractice is where a candidate, intentionally or otherwise, puts themselves at an advantage over the other candidates. Such examples include, but are not limited to:

- use of any unauthorised materials (such as notes, writing on hand, having a mobile phone on their person etc.)
- plagiarism of any nature
- talking to another candidate in a test/exam
- includes inappropriate or offensive material in scripts
- collusion by working collaboratively with other learners to produce work that is submitted as individual learner work
- copying (including the use of ICT to aid copying)
- deliberate destruction of another's work
- fabrication of results or evidence
- false declaration of authenticity in relation to the contents of a portfolio or coursework
- impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test.

## **Examples by Centre Staff**

This list is not exhaustive and other instances of malpractice may be considered by this centre at its discretion and according to the JCQ suspected Malpractice Policies and Procedures document:

- improper assistance to candidates
- 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
- fraudulent claims for certificates
- inappropriate retention of certificates
- assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves centre staff producing work for the learner
- producing falsified witness statements, for example for evidence the learner has not generated
- allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework
- facilitating and allowing impersonation

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- misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment
- falsifying records/certificates, for example by alteration, substitution, or by fraud
- fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment.

## **Definition for Centres/Centre staff - in terms of the Centre Assessed Grades for Summer 2022 (where centre assessed grades are used in place of formal examinations)**

The awarding organisations will investigate credible allegations of malpractice or issues reported from our monitoring processes that raise concerns about a failure to follow the published requirements for determining grades. Examples include:

- Exam entries are created for students who had not studied the course of entry or had not intended to enter for June 2022.
- Grades created for students who have not been taught sufficient content to provide the basis for that grade.
- A teacher deliberately and inappropriately disregarding the centre's published policy when determining grades.
- A teacher fabricating evidence of candidate performance to support an inflated grade.
- A teacher deliberately providing inappropriate levels of support before or during an assessment, including deliberate disclosure of mark schemes and assessment materials, to support an inflated grade.
- A teacher intentionally submitting inflated grades.
- A failure to retain evidence used in the determination of grades in accordance with the JCQ Grading guidance.
- A systemic failure to follow the centre's policy in relation to the application of Access Arrangements or Special Consideration arrangements for students in relation to assessments used to determine grades.
- A failure to take reasonable steps to authenticate student work.
- A failure to appropriately manage Conflicts of Interest (COIs) within a centre.
- A Head of Centre's failure to submit the required declaration when submitting their grades.
- Grades being released to students (or their parents/carers) before the issue of results

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## **What The School's Responsibilities are:**

Under the regulations the School is under obligation to:

- notify appropriate awarding body at the earliest opportunity all suspicions or actual incidents of malpractice. The only exception to this is malpractice discovered in controlled assessments or coursework before the authentication forms have been signed by the candidate.(see later)
- Investigate the incident thoroughly and as quickly as possible
- Inform candidates of their individual responsibilities and rights as set out in the guidelines
- Pass on to the individuals concerned any warning or notification of penalties and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

## **The Right of the accused individual**

When, in the view of the investigation, there is sufficient evidence to implicate a candidate in malpractice, that individual must:

- be informed of the allegation made against him or her (preferably in writing but only if circumstances dictate)
- 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 (if required)
- have an opportunity to submit a written statement
- have an opportunity to seek advice (as necessary) and provide a supplementary statement (if required)
- 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 the individual or all awarding bodies.

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## What will happen in the case of suspected malpractice?

### Coursework Assessment (where the authentication form has been signed by the candidate):

1. The member of teaching staff who suspects the malpractice will interview the candidate in the presence of the Head of Year (HoY) and/or the senior leader if the HoY is not available.
2. The candidate will be advised of their rights as outlined above prior to the interview commencing and will be interviewed in accordance with the School's policy on conduction of disciplinary interviews.
3. Following the interview the candidate will be given full details of what may be the outcome of the investigation and when they will be notified
4. Either the Examinations and Data Officer or Head of Year will contact the family, as soon as possible, to advise them of the situation and to confirm that an investigation is taking place
5. Following the interview an investigation will take place and the outcome notified to the candidate/candidate's parents within 24 hours.
6. If the investigation suspects malpractice has occurred, then this will be notified to the Awarding Body and their decision will be notified to the candidate and candidate's family within 24 hours of receipt.

N.B. -A centre will not give credit for any work submitted which is not the candidate's own work

### Coursework Assessment (where the authentication forms have not yet been signed by the candidate):

The candidate may be allowed to repeat the coursework but this will be at the discretion of the Head of Centre and depend on the severity of the malpractice.

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## **Written Exam or Controlled Assessment**

If a candidate is suspected of malpractice in a written exam or controlled assessment, the following procedure will apply:

1. The candidate will have any unauthorised material confiscated or asked to wash off any unauthorised material written on their body. They will be allowed to finish the paper along with all other candidates.
2. Once the exam is concluded they will be asked to remain behind and will be supervised until the Examinations and Data Officer and HoY and/or senior leader can meet with the candidate. This will usually be within 15 minutes of the end of the exam. In the case of a clash of subjects i.e. the candidate is due to sit one paper after another, this will take place following the 2nd paper if the suspected malpractice occurs during the 1st paper.
3. The Examinations and Data Officer will attempt to contact the candidate's parents prior to the interview to advise them of the incident and confirm that the candidate will be interviewed following the exam. (If they are not contactable within this window then the Examinations and Data Officer will attempt to contact them in another form so that they are aware of the incident and can discuss it with the candidate when he or she gets home).
4. The candidate will be advised of their rights as outlined above and then interviewed (in accordance with the School's policy on conducting disciplinary interviews) by the Examinations and Data Officer (or their Assistant if unavailable) in the presence of Head of Year/Assistant Principal
5. The candidate will be asked to provide a statement which they can either do there and then or produce one at home and bring in to the Examinations and Data Officer the next day. This must be done within 24 hours of the incident or will not be eligible for submission to the awarding body in mitigation should it be deemed necessary.
6. Following the interview an investigation will take place in which Examinations and Data Officer will speak to the Examinations Invigilator at the very least and any other third party and the outcome notified to the candidate/candidate's parents within 24 hours.
7. If the investigation concludes that there is suspected malpractice then this will be notified to the Awarding Body.
8. The Awarding Body's decision (which should reach the centre within 14 days of the notification but can take up to 1 month depending on the severity of the malpractice) will be

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sent to the Examinations and Data Officer and they will notify the candidate and candidate's family within 24 hours of receipt.

**Please note:**

In certain circumstances it may be necessary for the Examinations and Data officer to exercise discretion, in light of all the circumstances of the case, as to the timing and the means by which an allegation of malpractice and the supporting evidence is presented to the individual involved.

**The awarding body's response to an allegation of malpractice:**

In the case of notifications of suspected malpractice received from centres, the awarding body will consider the information provided and may decide to:

- take no further action;
- make a decision on the case in accordance the procedures (see section 8 to 13 of JCQ Suspected Malpractice guidelines);
- carry out a further investigation as described in sections 5 (as above) and provide further evidence;
- investigate the matter further itself

**Please note:**

- It should be noted that where an Awarding Body had decided to apply a sanction or penalty, to ensure consistency of approach, they will not take into account consequential effects (for example on university applications) of any particular sanction or penalty which might arise from circumstances of an individual.
- Unless a penalty is accompanied by a bar on future entry (extremely rare), all candidates penalised by loss of marks or disqualification, may retake the component or for GCSEs the subject in the next examination series.

**Appeals**

If a candidate wishes to appeal the decision by the Awarding Body then the following procedures should be followed:

- 1) The parent or guardian of the candidate, but not the candidate acting alone, must contact the Examinations Office to confirm that they wish to appeal the outcome of the Awarding Body's decision, outlining the grounds upon which they wish to make the appeal. The application must be made within 48 hours of the outcome being made available to the candidate. This will allow the School time to investigate and, if the view of the candidate is upheld, get the appeal in to the Examinations Board with the 14 calendar day deadline.

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- 2) The Examinations and Data Officer together with the Head of Centre (or their delegated representative) will then review the evidence, in line with the JCQ guidelines and advise the parent/guardian or candidate of the outcome. It must be stressed that only the School is able to make the appeal and it will only do so if it is satisfied that it is able to support the evidence of the candidate. The Headmaster's decision is final.
- 3) The outcome of the School's investigations will be reported, in writing, to the parents or guardian of the candidate within 48 hours.
- 4) If the Appeal is upheld by the School then the Examinations Office will make the necessary application by the deadline
- 5) The Examinations Office will then report the outcome of the appeal to the Awarding Body to parent/guardian and Head of Subject within 24 hours of receipt.
- 6) If the appeal is not upheld then the outcome is final and no further recourse is available.

Further information may be found in the JCQ publication '*guide to the awarding bodies' appeal process*

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