

Malpractice

A Guide for Centres

1. Introduction

The purpose of this guide is to provide guidance and support to centres offering WJEC general and vocational qualifications. It is specifically designed to support centres with preventing, reporting and investigate incidents of malpractice. Sections in the guide cover:

- Definition of malpractice
- Responsibilities
- Preventing malpractice
- Reporting malpractice
- Investigating malpractice
- Decisions and sanctions
- Appeals

The guide should be read in conjunction with the current Joint Council for Qualifications (JCQ) document '***Suspected Malpractice in Examinations and Assessments Policies and Procedures.***' This is available on the JCQ website www.jcq.org.uk

Further guidance on malpractice procedures may be obtained by contacting the WJEC Malpractice Team on malpractice@wjec.co.uk or by telephone on 02920 265000.

What is malpractice?

Malpractice

'Malpractice', **which includes maladministration and non-compliance**, means any act, default or practice which is a breach of WJEC and/or regulatory requirements which:

- 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 organisation or centre or any officer, employee or agent of any awarding body or centre.

Failure by a centre to investigate allegations of suspected malpractice in accordance with the requirements in this document and a failure to take action as required by WJEC or to co-operate with our investigation also constitutes malpractice.

'**Centre staff malpractice**' means:

- malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services) at a centre; **or**



- an individual appointed in another capacity by a centre such as an invigilator, an oral language modifier, a practical assistant, a prompter, a reader, a scribe or a sign language interpreter.

Examples of centre staff malpractice include breaches of security, deception, improper assistance to candidates and maladministration.

‘Candidate malpractice’ means malpractice by a candidate in the course of any examination or assessment, including the preparation and authentication of any controlled assessments or coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper.

Examples of candidate malpractice include the introduction of unauthorised materials into examination rooms, breaching examination conditions, exchanging, obtaining, receiving or passing on information which could be examination related, offences relating to the content of candidates’ work and undermining the integrity of examinations/assessments.

A comprehensive list of all types of centre staff and candidate malpractice are documented in the JCQ document **‘Suspected Malpractice in Examinations and Assessments Policies and Procedures’**.

Who is responsible for preventing, reporting and investigating incidents of malpractice at a centre?

The head of centre has overall responsibilities for taking all reasonable steps in preventing staff and candidate malpractice. The head of centre **must** also:

- Notify WJEC at the earliest opportunity of suspicions or actual malpractice (except controlled assessments prior to a candidate signing authentication form) using form JCQ/M1 (candidate) and form JCQ/M2a (staff).
- Supervise personally all investigations, avoiding any real or perceived conflict of interest which might prejudice an investigation.
- Co-operate with any investigation, responding speedily and openly.
- Inform staff members and candidates of their responsibilities and rights
- Pass on to individuals concerned any warnings or penalties, and ensure compliance with any requests made by WJEC.

Other individuals in a centre such as the Exams Officer, teachers and invigilators all have a role in preventing and reporting incidents of malpractice. Some may also be required to investigate incidents. All staff should be sufficiently trained and competent in carrying out their duties in respect of the requirements of conducting examinations and controlled assessments.

2. Preventing malpractice

There are practical ways in which the Head of Centre can minimise or eliminate the risk of malpractice.

Preventing staff malpractice

- Ensure that staff understand the requirements for conducting examinations as specified in the **JCQ document ‘Instruction for conducting examinations’**
- Ensure that staff understand the requirements for controlled assessments and coursework as specified in JCQ documents ‘**Instruction for conducting controlled assessments (GCSE qualifications)**’ and ‘**Instruction for conducting coursework (GCE, ELC and Project qualifications)**’. There is a requirement for centres to have a policy on controlled assessments which is checked as part of centre inspection visits. Live controlled assessments and coursework must be kept securely and confidentially at all times.
- Ensure that staff who apply for and oversee special conditions and access arrangements are aware of the requirements ‘**JCQ Adjustments for candidates with disabilities and learning difficulties**’ and **JCQ ‘A guide to the special consideration process’**. Evidence to support access applications must be retained at the centre and available for inspection as part of JCQ centre inspection visits.
- Ensure that all staff know the centre’s procedure for reporting malpractice to WJEC.
- Ensure that in relation to examinations, the **JCQ Mobile Phone and Warning to candidates** posters are displayed prominently.
- Ensure that the **JCQ Information for candidates (controlled assessments, coursework, on-screen tests and written examinations)** is distributed to all candidates prior to assessment/examination taking place

In addition, malpractice can be included in a centre’s risk assessment register and action plan to ensure that the prevention of malpractice is embedded in the centre’s way of working.

Preventing candidate malpractice

Centre staff must ensure that candidates are aware of actions that constitute malpractice and the penalties that would be imposed on those who commit malpractice. Regular reminders will help with reinforcing learners’ understanding of malpractice.

Mobile phones: The most common instance of candidate malpractice reported to WJEC is candidates having a mobile phone or other device in their possession in an exam room. It should be stressed to candidates that having a mobile phone in their possession will lead to a loss of marks for that unit even if they do not intend to use it or they forgot that they had their mobile phone with them. If there is any evidence of candidates using a device, it would lead to disqualification from the qualification. Invigilators should be reminded of the

importance of reading out the instruction about mobile phones and other devices at the start of exams.

Plagiarism is another common cause of malpractice. Candidates should be aware that internet search engines and specialised computer software are used to detect plagiarism.

Ignorance of malpractice is not a defence and it is not a mitigating factor which will be taken into account in decision making

3. Reporting malpractice

Candidate malpractice

Any allegation or detected incident of malpractice should be investigated immediately by the Head of Centre, or designated senior teacher and a report submitted to WJEC using the JCQ form **JCQ/M1** (the current form is available at www.jcq.org.uk). The report should be sent to WJEC, Malpractice Team, 245 Western Avenue, Cardiff CF5 2YX. Alternatively the form and supporting evidence can be scanned and e-mailed to malpractice@wjec.co.uk. The form must include a signature and be dated.

Candidate malpractice in an internal assessment may be dealt with by the Centre provided that the declaration of authenticity has not been signed by the candidate. In such cases, the internal assessment work being undertaken when the malpractice occurred should not be accepted. The candidate may, subject to the limitations of the specification, undertake new work for submission. This is at the discretion of the centre. The centre must have an internal appeals' procedure to cover appeals against its decisions on internal assessments. If the declaration of authenticity has been signed by a candidate, the malpractice must be reported to WJEC

Centre staff malpractice

All cases of centre staff malpractice must be reported immediately to WJEC using JCQ form **JCQ/M2a** and sent to WJEC, Malpractice Team, 245 Western Avenue, Cardiff CF5 2YX. Alternatively the form and supporting evidence can be scanned and e-mailed to malpractice@wjec.co.uk. The form must include a signature and be dated

In cases where the Head or a member of the senior staff at a centre is implicated in any allegation, WJEC will investigate directly. In other cases, the Head or a designated senior member of staff is asked to investigate and provide a detailed report (**form JCQ/M2b**).

ALL CASES OF SUSPECTED MALPRACTICE MUST BE REPORTED TO WJEC. CENTRE STAFF MUST NOT MAKE DECISIONS ON WHETHER OR NOT TO REPORT A CASE TO WJEC. NOT REPORTING MALPRACTICE CONSTITUTES MALPRACTICE FOR CENTRE STAFF.



What should I do if I have a suspicion of malpractice?

If you believe you have witnessed malpractice, your first port of call should be your Head of Centre who has a duty to investigate and report all such incidents.

If you believe that you may be disadvantaged or victimised by raising such issues with your Head of Centre or if you believe that your Senior Management Team is involved you can contact WJEC. Individuals are able to report malpractice anonymously or request that their identity remains anonymous. WJEC will not disclose an individual's identity unless required by law to do so. Information supplied anonymously cannot be used as evidence. However, such information can form the basis of, or give probable cause for, an investigation. In order to support any potential investigation you should provide all information that you are aware of immediately. Detailed, timely and clear information will enable us to investigate cases more effectively (please see section 4 on the type of information that is important).

If you have information concerning malpractice you can phone WJEC (02920 265000) and ask for a member of the Malpractice Team, write to Malpractice Section, WJEC, 245 Western Avenue, Cardiff, CF5 2YX or email malpractice@wjec.co.uk.

Additional information about making an allegation is obtained in the JCQ's document on the Public Interest Disclosure Act www.jcq.org.uk

WJEC will not report the outcome of cases to persons making allegations. To do so would be to reveal privileged information which is often subject to the Data Protection Act.

4. Investigating malpractice

The investigation into suspected malpractice must be undertaken by an individual (s) at the centre who does not have a real or perceived conflict of interest in the case.

The following questions are useful in assessing whether or not a conflict of interest exists in respect of investigating staff malpractice:

- Could the outcome of the investigation result in the investigator gaining personal financial or reputational advantage or disadvantage?
- Does the investigator have a personal relationship or close professional relationship with the accused?
- Has there been a breakdown in relationship between the investigator (or those in their close professional network) and the accused?
- Has there been a breakdown in relationship between the individual making the allegation and the centre/staff?

If the answer is 'yes' to any of the questions and there is no-one else within the centre to investigate, the Head of centre should ask WJEC to investigate directly. If there is no real or perceived conflict of interest, the Head (or their representative) should investigate.

The investigation should determine:

- who was involved in the incident, including candidates, members of staff and/or invigilators
- the facts of the case, as established from evidence and/or statements from those involved

Each investigation needs to be considered individually, however, the following provides general guidance for centres:

- At the start, stress to all involved that the information received is an allegation of malpractice and the purpose of the investigation is to ascertain the facts.
- Identify who in the centre should investigate the allegation/incident, after considering possible conflict of interests.
- Ensure that the lead investigator is clear about WJEC's requirements and the forms that should be completed. Ensure that confidentiality and the security of information is stressed.
- Ask the investigator (s) to maintain a record of every discussion and action during an investigation to evidence that they have investigated the case fairly, openly and rigorously. Information should be retained for a relevant period. In an investigation involving a criminal prosecution or civil claim, records and documents should be kept for the required time after the case and any appeals have been heard.
- Inform the individual(s) accused of malpractice at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should the malpractice be proven. Inform them of their rights - they **must** be given the opportunity to respond, preferably in writing, to the allegation made against them.
- Identify all the potential sources of evidence in investigating the case and consider how the evidence can be gathered most effectively and efficiently eg interviews with individuals, written records, attendance sheets, CCTV footage. The quicker the information is gathered the better as evidence may be lost.
- When interviewing individuals, prepare questions in advance and keep a note which should be returned to them to sign and date as an accurate record. Interviews should be conducted in accordance with the centre's policies. The interviewer may wish to be accompanied by a note-taker.
- Interviews with children or vulnerable adults should be conducted in accordance with the centre's policy (ies).
- Collate all evidence gathered – what happened (the nature of the malpractice), why it occurred, who was involved, when and where did it happen, what actions need to be taken by the centre to prevent a reoccurrence.
- Complete the report for WJEC using form **JCQ/M1 (candidates)** and **JCQ/M2b (staff)** ensuring that all supporting information is included such as written statements (please ensure these have been checked, signed and dated by the individual), copies of correspondence, candidate work, records.

If an allegation is delegated to another member of centre staff, the head of centre retains overall responsibility for the investigation.



Full details and guidelines on the procedures for dealing with instances of suspected malpractice are in the JCQ publication *Suspected Malpractice in Examinations and Assessments*, which can be downloaded from the JCQ website: www.jcq.org.uk. You will find Sections 2, 6, 7, 10, 13 and 14 useful when conducting an investigation.

5. Decision making and sanctions

Decisions - Candidate malpractice

The decision on candidate malpractice will be made by a senior member of WJEC's staff. A letter stating the decision made and details of any sanctions applied will be sent to the Head of Centre who must inform the candidate(s) of the content of the letter on receipt.

Decisions - Centre and centre staff malpractice

Centre and staff malpractice decisions will be made by the WJEC Malpractice Panel. This panel will include three experienced individuals including at least one independent member who has not worked for WJEC. The Panel will make its decision based on the written evidence. The individual(s) involved will be given an opportunity to provide a statement for the Panel. Centre representatives and/or individuals against whom the case is being heard are not permitted to attend meetings of the Panel.

The Secretary of the Malpractice Panel will inform the Head of Centre of the decision and any sanction. The member of staff involved should be informed of the content of the letter on receipt.

Sanctions - candidate malpractice

The sanctions imposed against candidates will include a warning, the withholding of some or all of the marks awarded in an examination/assessment, or withholding of the qualification. In more serious cases, sanctions will include the barring of candidates from entering examinations with WJEC for a period of up to five years. In serious cases, all other JCQ awarding organisations will be informed of the cases and their outcomes.

Sanctions - centre staff malpractice

The sanctions imposed against centre staff will include a warning, the imposition of special conditions, the requirement for supervision or re-training, or a bar in the involvement of the staff concerned in examination work for a period of up to five years.

Sanctions - centre malpractice

The sanctions imposed against a centre includes a written warning, the requirement for an action plan, additional monitoring, suspension of certification, suspension of registration and certification, withdrawal of approval for specific qualifications, withdrawal of centre approval.

Wherever centre staff or centre malpractice has affected the outcomes for candidates, WJEC will take appropriate action to safeguard the integrity of assessments and the interests of candidates involved. Where a member of centre staff has a sanction imposed upon them and they move centre, it is the responsibility of the Head of Centre where the malpractice took place to inform the Head of the new centre, in cases where the sanction is still in place.

In cases of centre and staff malpractice, WJEC will inform the appropriate regulator (Welsh Government in Wales, Ofqual in England, CCEA in Northern Ireland).

In serious cases involving fraud, WJEC will forward details of the cases to the Police.

WJEC does not make any comment to third parties including the media about malpractice investigations or decisions.

6. Appeals

Appeals against malpractice decisions must be received by WJEC within fourteen days of receipt of the outcome using form **JCQ/App1**. In the case of candidate malpractice, the Head of Centre must lodge the appeal. In the case of centre staff malpractice, the appeal should be lodged by the Head of Centre or the individual concerned.

Appeals must be based on reasonable grounds such as:

- The incident was not dealt with in accordance with the published procedures in the JCQ Suspected Malpractice in Examinations and Assessment publication.
- Further evidence has come to light which may change the basis of the decision
- A reasonable belief that the evidence has been misinterpreted
- A reasonable belief that the outcome is not in line with the guidelines or precedents.

The following do not, by themselves, constitute grounds for appeal:

- The individual did not intend to cheat
- The individual has an unblemished record
- The individual could lose a university or college place
- The individual regrets his/her actions.

The appeal application may be refused at this point if there is no new evidence and the grounds for the appeal are weak or unjustified

Candidates – if there is reasonable evidence, a Senior Officer at WJEC who has not been involved with the original case will consider the evidence and make a decision. A letter will be sent to the Head of centre with the decision. If the appellant remains dissatisfied with the decision, a second stage appeal to the Appeals Committee should be made to WJEC within 14 days. The appeal will only be taken to the Appeals Committee if there are reasonable grounds as described above.



Centre and centre staff – if there is reasonable evidence, a meeting of WJEC’s Appeals Committee will be called. There will be a minimum of 3 individuals on the committee including at least one independent member who has not worked for WJEC. They will not have had any previous involvement with the case and will not have a conflict of interest.

The WJEC Malpractice Team will contact the appellant to make arrangements for them to attend the Appeals Committee. If the appellant chooses not to attend, the decision will be made on the written evidence. The WJEC Malpractice Team will provide the appellant with a copy of all papers, documents and reports to be considered by the committee. The Chair of the Committee will have the right to decide whether any further evidence is admissible for tabling at the hearing and whether witnesses can be called.

The procedures of the hearing will follow those identified in JCQ’s document ‘A guide to the awarding bodies’ appeals processes’. The Chair will advise appellants of the process again at the start of the hearing.

The decision of the Appeals Committee is final and there are no further avenues of appeal.