



Malpractice

A guide for centres

Effective from January 2020

This document provides advice and guidance to centres in respect of preventing, investigating and reporting cases of candidate, centre and centre staff malpractice to WJEC. It also outlines the decision-making process, sanctions and the appeals procedure.

Contents

1.	Introduction.....	3
2.	Definition of malpractice.....	3
3.	The responsibilities of centre staff	5
4.	Preventing malpractice.....	6
5.	Reporting malpractice.....	7
5.1	Candidate malpractice.....	7
5.2	Centre staff malpractice	8
5.3	What should I do if I have a suspicion of malpractice?	8
6.	Providing evidence to support a malpractice investigation.....	9
7.	Decision making and sanctions.....	10
7.1	Decisions - Candidate malpractice.....	10
7.2	Decisions - Centre and centre staff malpractice.....	10
7.3	Sanctions - candidate malpractice.....	10
7.4	Sanctions - centre staff malpractice	11
7.5	Sanctions - centre malpractice.....	11
7.	Appeals	11

1. Introduction

The purpose of this guide is to provide guidance and support to centres offering WJEC/Eduqas qualifications. It is designed to support centres with preventing, reporting and providing evidence to support the investigation of alleged, suspected or actual cases of malpractice. Sections in the guide cover:

- Definition of malpractice
- The responsibilities of centre staff
- Preventing malpractice
- Reporting malpractice
- Investigating malpractice
- Decisions and sanctions
- Appeals

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

Information in this guide is compliant with the Regulators' General Conditions of Recognition (Ofqual/CCEA) and Standard Conditions of Recognition (Qualifications Wales).

The regulators' Conditions of Recognition state that awarding bodies must:

- establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration; and
- ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

Further guidance on malpractice procedures may be obtained by contacting the WJEC Compliance Team on malpractice@wjec.co.uk or by telephone on 02920 265474.

2. Definition of malpractice

What is 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.

Malpractice may or may not relate directly to sitting an examination. WJEC is aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

Failure by a centre to notify, investigate and report to WJEC all allegations of malpractice or suspected malpractice constitutes malpractice in itself.

Also, failure to take action as required by WJEC or to co-operate with an investigation, constitutes malpractice.

Some incidents of malpractice can have a significant impact upon candidates and their qualifications. WJEC is obliged to notify the qualifications regulators of certain malpractice incidents.

'Centre malpractice' means:

- Acts of malpractice resulting in a loss of confidence in the head of centre or senior leadership of the centre to maintain the integrity of the WJEC/WJEC Eduqas examinations and assessments

'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, Oral Language Modifier, a practical assistant, a prompter, a reader or a scribe.

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

'Candidate malpractice' means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any non-examination assessment including controlled assessment, coursework, the presentation of practical work, the compilation of portfolios of assessment evidence and the completion 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/assessment related, non-reporting of receiving (even if not requested) confidential examination/assessment information, offences relating to the content of candidates' work or undermining the integrity of examinations/assessments.

A comprehensive list of all types of malpractice, including maladministration, are documented in the JCQ document ['Suspected Malpractice Policies and Procedures'](#).

3. The responsibilities of centre staff

Who is responsible for preventing, reporting, investigating and communicating with individuals who may or have committed malpractice?

- The head of centre has overall responsibility. The head of centre **must:**
- Notify WJEC immediately of all alleged, suspected or actual incidents of malpractice. The only exception is candidate malpractice discovered in centre marked internal assessments prior to a candidate signing an authentication form. . If staff malpractice is discovered, the head of centre must inform WJEC immediately regardless of whether the authentication forms have been signed by the candidate(s).
- Report malpractice using the appropriate forms as detailed in section 4.2 of the JCQ Suspected Malpractice Policies and Procedures document
- be accountable for ensuring that the centre and centre staff comply at all times with WJEC's instructions regarding an investigation
- ensure that if it is necessary to delegate the gathering of evidence to **a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or individual(s) involved in the suspected malpractice**. The head of centre should ensure there is no conflict of interest which might compromise the investigation;
- respond speedily and openly to all requests to gather evidence relating to an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved
- speedily and openly make available information as requested by WJEC
- co-operate and ensure their staff do so with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in these guidelines
- forward any awarding body correspondence and evidence to centre staff and/or provide staff contact information to enable WJEC to do so
- pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by WJEC as a result of a malpractice case.

Other individuals in a centre such as the Exams Officer, teachers, invigilators and individuals supporting candidates with access arrangements all have a role to play in preventing malpractice and reporting incidents to their Head of centre or directly to WJEC, as appropriate. All staff should be sufficiently trained and competent in carrying out their duties in respect of the requirements of conducting examinations and assessments.

4. Preventing malpractice

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

4.1 Preventing staff malpractice/maladministration

- Ensure that staff understand the requirements for conducting examinations as specified in the **JCQ document 'Instruction for conducting examinations (ICE)'**
- Ensure that in relation to examinations, the **JCQ Mobile Phone and Warning to candidates** posters are displayed prominently.
- Remember that the Head of centre is responsible for ensuring that exams conducted at alternative sites are done so under the JCQ ICE conditions
- Ensure that staff understand the requirements for non-examination assessments as specified in WJEC/Eduqas qualification specification and JCQ documents: **'Instructions for conducting NEA'**, **'Instruction for conducting coursework (Entry Level and Project qualifications)'**, **WJEC's Instructions for conducting controlled assessments**. **JCQs General Regulations for Approved Centres** requires centres to have a written policy with regard to the management of GCE and GCSE non-examination assessments.
- Ensure that the centre has a written internal appeals procedure relating to internal assessment decisions and ensure that details of this procedure are communicated, made widely available and accessible to all candidates.
- Ensure that all staff who manage and implement special consideration 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 members of staff do not communicate any confidential information about examinations and assessment materials including social media
- Require staff to report potential conflicts of interest in accordance with your centre policy and ensure that any potential conflicts are managed within the centre to maintain the integrity of the assessment(s)
- Ensure that all staff know the centre's procedure for reporting all incidents of alleged, suspected or actual malpractice to WJEC.

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.

4.2 Preventing candidate malpractice

- Ensure that all [JCQ notices](#) e.g. *Information for candidates, non-examination assessments, coursework, on-screen tests, written examinations, social media, plagiarism* are distributed to candidates prior to assessment/examination taking place
- 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. Pay particular attention to social media.

- Ensure that candidates are fully aware of the sanctions relating to mobile phones or other devices. The most common instance of candidate malpractice reported to WJEC is candidates having a mobile phone or other device in an exam room. It should be stressed to candidates that having a mobile phone/other device in their possession will lead to a loss of marks for that unit/component 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.
- Ensure that candidates are aware of the sanctions resulting from plagiarism. Plagiarism is another common cause of malpractice. Candidates should be aware that WJEC uses internet search engines and specialised computer software to detect plagiarism.
- Ensure that examination clash arrangements are planned and managed effectively to ensure that candidates cannot pass on or receive information about the content of assessments, thereby, committing candidate malpractice.
- Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information they must report it to a member of centre staff immediately.

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

5. Reporting malpractice

5.1 Candidate malpractice

Any suspicion, allegation or detected incident of malpractice must be investigated immediately by the Head of Centre, or designated senior staff member and a report submitted to WJEC using the JCQ form **JCQ/M1** (the current form is available at www.jcq.org.uk). The candidate must be provided with the opportunity to provide a statement. The form and supporting evidence should be e-mailed to malpractice@wjec.co.uk. The form must include a signature/electronic 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

5.2 Centre staff malpractice

All cases of centre staff malpractice must be reported immediately to WJEC using JCQ form [JCQ/M2](#) and e-mailed to malpractice@wjec.co.uk. The form must include a signature/electronic signature and be dated.

In cases where the Head of centre or the management of the centre is implicated in any allegation, WJEC will undertake the investigation directly and may ask an individual(s) with no conflict or personal interest to assist with gathering evidence e.g. Director of Education. In other cases, the Head of centre or a designated senior member of staff may be asked to gather evidence under WJEC's guidance and instruction.

All cases of suspected, alleged or proven 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.

5.3 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 report all such incidents to WJEC. If you believe that you may be disadvantaged or have other concerns about raising such issues with your Head of Centre or if you believe that your Senior Management Team is involved, you can contact WJEC directly.

Individuals can 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 6 on the type of information that is important).

If you have information concerning malpractice, please e-mail our Compliance Team malpractice@wjec.co.uk

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

WJEC will not report the outcome of malpractice cases to persons making allegations. We will treat personal information sensitively and confidentially and ensure compliance with the General Data Protection Regulation (GDPR).

6. Providing evidence to support a malpractice investigation

The process of gathering evidence into alleged, suspected or actual 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 and is competent to do so. We consider an individual to be competent if they have read and understood the JCQ document '*Suspected Malpractice Policies and Procedures*' and this document. WJEC will provide guidance to the Head of centre on the lines of enquiry for centre staff malpractice investigations.

The following questions are useful in assessing whether or not a conflict of interest or a personal interest exists::

- Could the outcome of the investigation result in the individual gathering the evidence gaining personal, financial or reputational advantage or disadvantage?
- Does the investigator have a personal relationship or close professional relationship with the accused?

The evidence should include details of:

- 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

When gathering evidence, the following points should be considered:

- 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 gather the evidence regarding the allegation/incident, after considering possible conflict of interests.
- Ensure that the individual gathering the information is clear about WJEC's requirements and the forms that should be completed.
- Maintain a record of every discussion and action taken during the evidence gathering process and retain the information 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 and consider how the evidence can be gathered most effectively and efficiently e.g. 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. These must include questions provided by WJEC.

- Interviews with children or vulnerable adults should be conducted in accordance with the centre's safeguarding policy.
- 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 recurrence.
- Complete the report for WJEC using form **JCQ/M1 (candidates)** and **JCQ/M3 (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.
- Consider whether or not you are required to inform the Teaching Regulation Agency or the Education Workforce Council.

If evidence gathering is delegated to another member of centre staff, the head of centre retains overall responsibility for the process and reporting to WJEC.

Full details and guidelines on the procedures for dealing with instances of suspected malpractice are in the JCQ publication *Suspected Malpractice Policies and Procedures*, which can be downloaded from the JCQ website: www.jcq.org.uk.

7. Decision making and sanctions

A full list of sanctions is available in the JCQ publication *Suspected Malpractice Policies and Procedures*

7.1 Decisions - Candidate malpractice

The decision on candidate malpractice will be made by a 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 including details of the appeals procedure.

7.2 Decisions - Centre and centre staff malpractice

Centre and staff malpractice decisions will be made by either a WJEC Senior Officer or the WJEC Malpractice Committee. This committee will normally include three individuals who have been trained in the JCQ and WJEC Malpractice procedures. The Panel will make its decision based on written evidence. The individual(s) involved will be given an opportunity to provide a statement for the committee. Centre representatives and/or individuals against whom the case is being heard are not permitted to attend meetings of the Panel.

The Secretary to the Malpractice Committee 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 including details of the appeals procedure.

7.3 Sanctions - candidate malpractice

The sanctions which may be imposed against candidates include: a written warning, the withholding of some or all of the marks awarded in an examination/assessment, or withholding of the qualification(s). 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, other JCQ awarding organisations will be informed of the cases and their outcomes.

7.4 Sanctions - centre staff malpractice

The sanctions which may be imposed against centre staff include: a written warning, the imposition of special conditions, the requirement for supervision or re-training, or being debarred from involvement in examination/assessment work for a period of up to five years.

7.5 Sanctions - centre malpractice

The sanctions which may be imposed against a centre include: 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 or 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 where there is an adverse effect, WJEC will inform the appropriate regulator - Qualifications Wales, Ofqual in England or CCEA in Northern Ireland.

WJEC may inform third parties who have a legitimate interest such as other awarding bodies, the Teaching Regulation Agency or Education Workforce Council.

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

7. Appeals

Applications for appeals against malpractice decisions must be received by WJEC within 2 calendar weeks of receipt of the outcome using form **JCQ/App1**. In the case of candidate malpractice, the Head of Centre or Private Candidate 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 Policies and Procedures
- 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

For candidate malpractice appeals, if there is reasonable evidence, a senior officer who has not been involved with the original case will consider the evidence at the Preliminary Appeal Stage. The WJEC Appeals Committee would hear the Stage 2 appeal at an Appeal Hearing. The decision of the Appeals Committee is final and there are no further avenues for appeal. A letter will be sent to the head of centre/private candidate with the decision and reasons.

For centre and centre staff malpractice appeals, if there is reasonable evidence, a Senior Officer at WJEC (or committee of officers) who has not been involved with the original case may:

- Refer the matter to the Appeals Committee
- Reject the grounds of appeal.

If required, a hearing of the Appeals Committee will be convened to consider the case. The committee will normally include a minimum of 3 individuals, including at least one independent member who has not worked for WJEC in the past 5 years. They will not have had any previous involvement with the case and will not have a conflict of interest. WJEC will liaise with the appellant/centre to determine an appropriate date for the hearing.

If the appellant chooses not to attend, the decision will be made based on the written evidence. The secretariat for the Appeals Committee 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.

Further information on appeals is available in the WJEC Appeals – A guide for centres available on our [website](#).