



THE JOHN OF GAUNT SCHOOL
- A Community Academy -

Malpractice & Maladministration Policy

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Vision Statement

‘Creating an irresistible climate for achievement’

- We challenge, support and encourage every student to achieve their potential.
- We believe effort and dedication lead to success and we raise aspirations.
- We personalise our provision to meet the needs of individuals.
- We enable our students to flourish as confident learners and leaders of our community.
- We create a culture where all stakeholders feel valued, supported and proud.
- We work collaboratively to improve outcomes for our students and support other schools to improve.

Purpose of the policy

The purpose of this policy is to reduce the risk of malpractice and/or maladministration by increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by students, teachers, and other staff in order to achieve the following;

- To reduce risk of breach of regulations through ignorance.
- To aid detection of any irregularities.
- To explain how students and staff will be made aware of this policy.
- To identify strategies to be employed to minimise risk of malpractice.
- To describe how instances of alleged malpractice will be dealt with.

Context

The John of Gaunt School will not tolerate actions (or attempted actions) of malpractice by staff or students. The School is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, the School is fully committed to taking appropriate action, including applying punitive measures and reporting suspected malpractice in order to maintain the integrity of assessment and certification.

All staff have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles, staff must also ensure that they abide by the specific assessment requirements for each course as laid down by the awarding organisation for each subject specification.

Assessment processes and outcomes can also be put at risk through maladministration. Whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

1. Definition of Malpractice

Malpractice means any act or practice which compromises, or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

1.1 Centre Staff Malpractice

The following are possible examples of malpractice by Centre staff. The list is not exhaustive and other instances of malpractice may be considered and acted upon.

- Giving improper assistance to students.
- Inventing or changing marks for internally assessed work (non-examination assessment (NEA), coursework/controlled assessment or portfolio evidence), where there is insufficient evidence of the student achievement to justify the marks given or assessment decisions made.
- Assisting students in the production of non-examination assessment (NEA), coursework/controlled assessment or evidence of achievement, beyond that permitted by the regulations.
- Allowing evidence to be included for assessment which is known by the staff member not to be the student's own.
- Falsifying records/certificates for example by alteration, substitution or by fraud.
- Fraudulent certificate claims; that is claiming for a certificate prior to the student completing all the requirements of assessment.
- Moving the time or date of a fixed examination (beyond that permitted) without notifying the relevant awarding organisation.
- Failing to keep examination papers secure prior to the examination.
- Failing to keep student non-examination assessment (NEA), coursework/controlled assessment/portfolios of evidence secure.
- Obtaining unauthorised access to examination material prior to an examination.
- Allowing students unsupervised access to non-examination assessment (NEA), coursework/controlled assessment exemplar material, whether this is the work of former students or that provided by the Awarding organisation.
- Assisting or prompting students with the production of answers.
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements of the awarding organisations.
- Deliberate failure to adhere to awarding organisations' student registration and certification procedures.
- The Intentional withholding of information from awarding organisations which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Collusion or permitting collusion in exams/assessments
- Plagiarism or permitting plagiarism.

1.2 Student Malpractice

The following are possible examples of malpractice by students. The list is not exhaustive and other instances of malpractice may be considered and acted upon:-

- Misuse of examination material.
- Behaving in such a way as to undermine the integrity of the examination.
- Failing to abide by the instructions or advice of an invigilator, supervisor or the Awarding organisation in relation to the examination rules and regulations.
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments.
- Personation: pretending to be someone else or arranging for another to take one's place in an examination.
- Copying from another student (including the misuse of ICT to do so).
- Collusion: working collaboratively with other students, beyond that which is permitted.
- The deliberate destruction of another's work.
- The alteration or falsification of any results document, including certificates, or making an inaccurate claim for certificates.
- Allowing work to be copied e.g. posting written non-examination assessment (NEA), coursework/controlled assessment on social networking sites prior to an examination/assessment.
- Disruptive behavior in the examination room or during an assessment session (including the use of offensive language).
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of electronic, written verbal or non-verbal communication.
- Making a false declaration of authenticity in relation to the authorship of non-examination assessment (NEA), coursework/controlled assessment or the contents of a portfolio.
- Assisting or allowing others to assist in the production of non-examination assessment (NEA), coursework/controlled assessment.
- The misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials).
- Being in possession of confidential material in advance of the examination.
- The inclusion of inappropriate, offensive or obscene material in scripts, non-examination assessment (NEA), coursework/controlled assessment or portfolios.
- Plagiarism: unacknowledged copying from published sources or incomplete referencing.
- Theft of another student's work.
- Bringing into the examination room or assessment situation unauthorised material, for example:- notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (where prohibited), translators, wordlists, glossaries, iPods, iWatches, mobile phones, MP3/4 players, pagers or other similar electronic devices.
- The unauthorised use of a memory stick where a student uses a word processor.

2. Definition of Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, non-examination assessment (NEA), coursework and examinations and/or the handling of

examination papers, student scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc. For example:-

- Persistent failure to adhere to student registration and certification procedures.
- Late student registrations (both infrequent and persistent).
- Unreasonable delays in responding to requests and/or communications from awarding organisations.
- Failing to ensure that students' non-examination assessment (NEA), coursework/controlled assessment work is completed under controlled conditions and is adequately monitored and supervised.
- Inappropriate members of staff assessing students for access arrangements who do not meet the criteria as detailed within the JCQ^{CIC}/Ofqual publication for Access Arrangements and Reasonable Adjustments .
- Failure to use current assignments for assessments.
Failure to train invigilators adequately, leading to non-compliance with the JCQ^{CIC}/Ofqual current legislation.
- Failing to issue to students the appropriate notices and warnings, e.g. JCQ^{CIC}/Ofqual Information for students documents
- Failure to inform the JCQ^{CIC}/Ofqual of alternative sites for examinations.
- Failing to post notices relating to the examination or assessment outside of all rooms (including music and art rooms) where examinations and assessments are held.
- Not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ^{CIC} /Ofqual publication Instructions for conducting examinations.
- The introduction of unauthorised material into the examination room, either prior to or during the examination. (N.B. this precludes the use of the examination room to coach students or give subject-specific presentations, including power-point presentations, prior to the start of the examination).
- Failing to remind students that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting.
- Failure to invigilate examinations in accordance with the JCQ^{CIC} /Ofqual publication Instructions for conducting examinations.
- Failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements.
- Failure to keep accurate and up to date records in respect of access arrangements which have been processed electronically using the Access arrangements online system.
- Granting access arrangements to students who do not meet the requirements of the JCQ^{CIC} /Ofqual publication Access Arrangements and Reasonable Adjustments.
- Granting access arrangements to students where prior approval has not been obtained from the access arrangements online system or, in the case of a more complex arrangement, from an awarding organisation.
- Failure to supervise effectively the printing of computer based assignments when this is required.
- Failing to retain students' controlled assessments or non-examination assessment (NEA), coursework/controlled assessment in secure conditions after the authentication statements have been signed or the work has been marked.

- Failing to maintain the security of student scripts prior to dispatch to the Awarding organisation or examiner.
- Failing to dispatch student scripts / non-examination assessment (NEA), coursework/controlled assessment to the Awarding organisations or examiners or moderators in a timely manner.
- Failing to notify the appropriate awarding organisation of an instance of suspected malpractice in examinations or assessments as soon as possible after such an instance occurs or is discovered.
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation.
- The inappropriate retention or destruction of certificates.

3. Procedures for informing students of awarding organisations' regulations

All students receive an electronic copy of the Awarding organisations' regulations regarding non-examination assessment (NEA), coursework/controlled assessment and examinations, during the course of the examination period, two notices are displayed both in the area immediately outside the examination room and on display in the examination area (Notice 1 & 2). Notices 3-6 are displayed outside the Exams Office and on the Schools website. They are also quoted from and referred to in Exam assemblies and on exam notices given to students.

Notice 1: Warning to Students¹

Notice 2: Mobile Phones Prohibited

Notice 3: Information for Students for written.

Notice 4: Information for Students for on screen tests

Notice 5: Information for students - Controlled Assessments & non-examination assessment (NEA), coursework/controlled assessment

Notice 6: Information for students guidelines when referring to examinations/assessments through the Internet

Verbal Announcements

Before the beginning of every exam, students are given a verbal reinforcement of the awarding organisation's regulations. In addition, students are given a further opportunity to hand in mobile phones just before the commencement of any formal examinations whether written or on-screen.

4. Procedures for investigating alleged malpractice

All cases of malpractice are reported to the Examinations Manager who will inform the Headteacher.

4.1 Investigation by the school into alleged malpractice by students

The Examinations Manager will conduct a full enquiry into the malpractice in conjunction with the Headteacher. If malpractice is deemed to have taken place then a full written report is submitted to the awarding organisation with supporting evidence.

Students accused of malpractice are made fully aware at the earliest opportunity of the nature of the alleged malpractice, and of the possible consequences should the

¹ All notices referred to in this section are JCQ^{CIC} notices.

malpractice be proven. The parents/guardians of the students are also notified in writing of the alleged malpractice and of the possible consequences.

Students accused of malpractice must be given the opportunity to respond (preferably in writing) to allegations made.

Students accused of malpractice should be made aware of the avenues for appealing should a judgment be made against him or her. Full details of an awarding organisation's appeals procedure will be sent to the student and parents/guardians if the judgment goes against the student.

The student and parents/guardians will be informed in writing of the outcome of the awarding organisation's decision.

4.2 Investigation by the school into alleged malpractice by members of staff

Investigations into any case of malpractice or irregularities against a member of staff will normally be carried out in the first instance by the Headteacher, in conjunction with the Examination Manager.

Investigations into alleged malpractice or irregularities against the Headteacher must be carried out by the Chair of the School's Governing Body and reported to the awarding organisation when completed.

Any member of staff accused of malpractice or irregularities must be made fully aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice, and the possible consequences should malpractice be proven.

Any member of staff accused of malpractice or irregularities must have the opportunity to respond (preferably in writing) to allegations made.

Any member of staff accused of malpractice or irregularities must be made aware of the avenues for appealing should a judgment go against him or her.

5. Reports

It is the responsibility of the Headteacher, acting on behalf of the awarding organisation, to submit a full written report of an investigation and to provide the following where appropriate:

- A statement of the facts: a detailed account of the circumstances and details of any investigations carried out by the Centre.
- Written statement(s) from the invigilators or other staff concerned.
- Written statements from the student(s) concerned.
- Any mitigating factors (e.g. relevant medical reports).
- Information about the school's procedures for advising students of the awarding organisations' regulations.
- Seating plans showing the exact position of students in the examination room.
- Unauthorised material found in the examination room.
- Any work of the student and any associated material (e.g. source material for non-examination assessment (NEA), coursework/controlled assessment) which is relevant to the investigation.

6. Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the either the Headteacher or the Exams Manager. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

- All allegations must include (where possible):
- Students name.
- Staff name
- Details of the course/qualification affected.
- Nature of the suspected or actual malpractice and associated dates, details and outcome of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances.

The Headteacher will then conduct an initial investigation to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration reported, the identity of the 'informant' will be protected in accordance with the schools duty of confidentiality and/or any other legal duty.

6.1 Confidentiality and whistle blowing

Persons making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal the identity and contact details, if the person is concerned about possible adverse consequences they may request that the Headteacher does not divulge their identity.

The Centre will investigate issues which are reported to them anonymously. They will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

6.2 Responsibility for the investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by the school to establish if malpractice or maladministration has occurred.

The Centre will acknowledge receipt of statements and supporting evidence, as appropriate, to external parties within 48 hours.

The Headteacher will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. The Headteacher will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by the school.

6.3 Investigation timelines and summary process

The Centre aims to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities.
- To evaluate any action already taken.
- To determine whether remedial action is required to reduce the risk to current students and to preserve the integrity of the school and the qualification.
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, the Centre will ensure all material collected as part of an investigation is kept secure.

6.4 Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place The Centre will consider what action to take in order to:-

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising standards.

The action the Centre takes may include:

- Instigating actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring.
- In cases where certificates are deemed to be invalid, inform the awarding organisations concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. The Centre also let the affected students know the action they have taken and that their original certificates are invalid and ask them where possible to return the invalid certificates to the Centre.

In addition the Headteacher will record any lessons learnt from the investigation and pass these on to relevant colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.