

# **MALPRACTICE POLICY**

## **Staff and Candidates**

### **2023/2024**

*This policy is reviewed annually to ensure compliance with current regulations*

Approved by: Miss E Szymura	Reviewed by: Miss J Fenner
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# Malpractice Policy

## Staff Malpractice Policy

### Purpose

The purpose of this policy is to confirm how Ruskin Community High School manages malpractice under normal delivery arrangements in accordance with the JCQ General Regulations for Approved Centres in the event of any dispute or allegation regarding staff malpractice or maladministration.

Policies have been reviewed to ensure they meet the requirements.

### Introduction

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding candidate malpractice in the assessment of internally marked qualifications and also regarding examinations marked externally.

### Preventing Malpractice

Ruskin High school ensures that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents:

*General Regulations for Approved Centres, Instructions for Conducting Examinations, Instructions for Conducting non-examination assessments/coursework, Access Arrangements and Reasonable Adjustments, A guide to the Special Consideration process, Suspected Malpractice (Policy and Procedures), Plagiarism in Assessments, AI use in Assessments: Protecting the Integrity of Qualifications, A guide to the Awarding Bodies Appeals Processes.*

### Examples of Malpractice

Attempted or actual malpractice activity will not be tolerated and Ruskin Community High School will take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after the determination of the grades process.

The following are examples of malpractice by staff with regards to NEA/portfolio-based qualifications. This list is not exhaustive:

- Tampering with candidates work prior to external moderation/verification
- Assisting candidates with the production of work outside of the awarding body guidance
- Fabricating assessment and/or internal verification records or authentication statements
- Inflation of grades
- Breach of security
- Failure to retain evidence used in the determination of grades
- Failure to follow centre's procedures for access arrangements or special consideration
- Failure to manage conflicts of interests within centre
- Head of centres failure to submit centre declaration
- Grades being released to candidates/parents/carers before official release date
- Failure to conduct a centre review/appeal

The following are examples of malpractice by staff with regard to examinations

- Assisting candidates with exam questions outside of the awarding body guidance

- Allowing candidates to talk
- use a mobile phone
- Allowing watches or any other unauthorised items in the examination room
- Unsupervised toilet breaks
- Tampering with scripts prior to external marking taking place

### **Staff Malpractice Procedure**

Investigations into allegations will be carried out in accordance with JCQ publication for Suspected Malpractice policies and procedures document. These will be coordinated by Miss Szymura, Deputy Headteacher (SLT lead on Exams), or Mr Postlethwaite, Head of Centre, who will ensure the initial investigation is carried out within ten working days.

The awarding body will be informed immediately by the head of centre of any alleged, suspected or actual incidents of malpractice and the necessary documentation will be completed in line with JCQ regulations (JCQ M2 Form).

The person responsible for coordinating the investigation will depend on the qualification being investigated. The investigation will involve establishing the full facts and circumstances of any alleged malpractice. 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.

The member of staff will be:

- informed in writing of the allegation made against them
- informed of 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 applicable appeals procedure, should a decision be made against him/her
- 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.
- If there is sufficient evidence to implicate the staff member, they will be informed of the rights of the accused individuals (SMPP 5.32)
- Once information has been gathered and concluded the Head of Centre will submit in writing a written report to the Awarding Body summarising the actions taken

If work is submitted for moderation/verification or for marking which is not the candidate's own work, the awarding body may not be able to give that candidate a result.

### **Staff Malpractice Sanctions**

Where a member of staff is found guilty of malpractice, Ruskin Community High School may impose the following sanctions:

- 1) **Written warning:** Issue the member of staff with a written warning stating that if the offence is repeated within a set period of time, further specified sanctions will be applied
- 2) **Training:** The member of staff will be required, as a condition of future involvement in both internal and external assessments to undertake specific training or mentoring, within a particular period of time, including a review process at the end of the training
- 3) **Special conditions:** Impose special conditions on the future involvement in assessments by the member of staff
- 4) **Suspension:** Bar the member of staff in all involvement in the administration of assessments for a set period of time
- 5) **Dismissal:** Should the degree of malpractice be deemed gross professional misconduct; the member of staff could face dismissal from his/her post

### **Appeals – Centre staff**

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in accordance with JCQ regulations and requirements. Appeals should be made within 20 working days of the date they were notified of the decision detailing the fact that they are appealing and their grounds for doing so. Appeals will be dealt with within 20 working days.

### **Candidate Malpractice Policy**

#### **Examples of Malpractice**

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by candidates with regards to NEA/ portfolio-based qualifications. This list is not exhaustive:

- Plagiarism: the copying and passing off as the candidate's own work, the whole or part of another person's work
- Collusion: working collaboratively with other learners to produce work that is submitted as the candidate's only
- Failing to abide by the instructions of an assessor – This may refer to the use of resources which the candidate has been specifically told not to use
- The alteration of any results documentation
- Deliberate destruction of another candidate's work
- Disruptive behaviour in the examination room or during an assessment session
- Being in possession of unauthorised items
- The misuse of AI tools by candidates constitutes malpractice. A Centre investigation and sanctions will be put in place if a candidate submits work which is not their own. Please see the Ruskin' Policy on AI use in Assessments.
- AI chatbots are tools which can generate responses to questions, generate ideas, translate text from different languages, analysing or improving text.
- Ruskin Community High School recognises that AI (*Artificial Intelligence*) chatbots currently available are: ChatGPT, Jenni AI, Jasper AI, Writesonic, BLOOM and Google Bard. These AI tools can generate images: Midjourney, Stable diffusion and DALL-E 2. The use of these new tools pose significant risks if misused by candidates, they have been developed to produce responses based upon the statistical likelihood of the language selected and **cannot** be relied upon. JCQ's AI use in Assessments: 'Protecting the integrity of

Qualifications' sets out clear guidance for Teachers and assessors  
<https://www.jcq.org.uk/exams-office/malpractice/artificial-intelligence/>).

- Candidates **MUST only** submit for assessments work which is their **OWN**, as set out in JCQ's general regulations (<https://www.jcq.org.uk/exams-office/general-regulations/>).

### **Internally marked NEA, Controlled Assessment/Portfolio Work**

If a teacher suspects a candidate of malpractice, the candidate will be informed and the allegations will be explained. The candidate be given the opportunity to give their side of the story before any final decision is made. If the candidate accepts that malpractice has occurred, he/she will be given the opportunity to repeat the assignment if the candidate declaration hasn't been signed. If found guilty of malpractice following an investigation, the teacher may decide to re-mark previous assignments, these could also be rejected if similar concerns are identified. If malpractice is discovered after the candidate has signed the declaration, then they will be reported to the Awarding Body in accordance with JCQ regulations and the appropriate documentation completed (JCQ Form M1).

The following are examples of malpractice by candidates with regards to examinations. This list is not exhaustive:

- isolated incidents of talking before the start of the examination or after papers have been collected
- taking during the examination about matters not related to the exam; accepting examination related information
- talking about examination related matters during the exam; whispering answers to questions  
Communication
- Taking a mobile phone/watch into an examination
- Taking any other unauthorised item other than those accepted by the Awarding Body into the examination, such as a book or notes
- Leaving the examination room without permission
- Passing/receiving of communications/scripts between candidates
- Failing to abide by the conditions of supervision designed to maintain the security and integrity of the examinations
- Disruptive behaviour in the examination room or assessment session (including use of offensive language)

### **Reporting a suspected Malpractice**

If a member of staff suspects a candidate of malpractice during an examination an investigation will be held by the Exams Officer, Miss Fenner and Miss Szymura, Deputy Headteacher (SLT lead on exams) or Mr Postlethwaite, Head of Centre:

- the candidate will be informed of the allegations made against them and parent/carer kept informed by the Head of Centre
- given evidence to support the allegation
- Informed of possible consequences if the case is proven
- Given the opportunity to consider their response and submit a statement
- all cases of suspected malpractice will be reported to the Awarding Body in accordance with JCQ regulations and the completion of the necessary documentation/reports in writing by the Head of Centre
- They will be informed of the awarding body outcome and the appeals procedures. If there is sufficient evidence to implicate an individual in malpractice, they will be informed of the rights of accused individuals

## **Appeals**

A candidate may appeal against sanctions imposed on them. Appeals will be made by the centre on behalf of a candidate and conducted in accordance with the JCQ Suspected Malpractice in Examinations and Assessments Policies and Procedures. Appeals should be made within 20 working days of the date they were notified of the decision detailing the fact that they are appealing and their grounds for doing so. Appeals will be dealt with within 20 working days.

*This policy should be read in conjunction with out Complaints and Appeals Policies and Procedures.*