



Malpractice, Maladministration and Conflict of Interest Policy 2021

Malpractice refers to any deliberate 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.

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.

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
 - to reduce risk of breach of regulations through ignorance;
 - to aid detection of any irregularities;
- explaining how students and staff will be made aware of this policy;
- identifying strategies to be employed to minimise risk of student malpractice;
- describing how instances of alleged malpractice will be dealt with.

Helston Community College will not tolerate actions (or attempted actions) of malpractice by staff or students. The College is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, the College is fully committed to take 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, in addition 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.

Examples of Centre and Staff Malpractice (2021)

This list below is not exhaustive but is particularly relevant to grading in 2021. A more comprehensive list including examples of maladministration is provided in the Appendix 1 of this policy.

The awarding organisations will investigate credible allegations of malpractice or issues reported from their 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 2021.
- 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.
- Failure to cooperate with an awarding body's quality assurance, appeal or investigation processes.
- Failure to conduct a centre review or submit an appeal when requested to do so by a student.

Centres which identify such incidents should report them to the appropriate awarding organisation as normal, using the JCQ M2 form.

Examples of Student Malpractice (2021)

This information below applies specifically to 2021. There is a detailed list of examples of candidate malpractice in the Appendix 1.

In 2021, it is possible that some students may attempt to influence their teachers' judgements about their grades.

Students might attempt to gain an unfair advantage during the centre's process by, for example, submitting fabricated evidence or plagiarised work. Such incidents would constitute malpractice and centres are asked to report these to the appropriate awarding organisation in the normal way using the JCQ M1 form.

Students, or individuals acting on behalf of a student, such as parents/carers, might also try to influence grade decisions by applying pressure to centres or their staff. The awarding organisations anticipate that the majority of such instances will be dealt with by the centre internally – in such cases, we ask that the centres retain clear and reliable records of the circumstances and the steps taken, and that students are made aware of the outcome. However, if a student continues to inappropriately attempt to pressure centre staff then please inform the relevant awarding organisation using the JCQ M1 form. The awarding organisations will contact our centre if we receive credible allegations that such pressure has been applied in order that appropriate steps can be taken.

Implementing Assessment Practices

Heads of Faculty and Subject/Key Stage Leaders have responsibility for implementing assessment practices that reduce the opportunity for malpractice, including for example:

- Periods of supervised sessions during which evidence for assessments is produced by the student;
- Amending assessment assignments/tasks/tools on a regular basis;
- Using oral questions with students for a single assignment/task in a single session for the complete cohort of students;

- Ensuring access controls which prevent students from accessing and using other people's work when using networked computers;
- Requiring students to sign to declare that their work is their own when submitting assessments.

Procedure for dealing with allegations of malpractice

1. Reporting suspected malpractice

a. Within College

All College staff have a responsibility for reporting any suspected incidences of staff or student malpractice through the appropriate channels.

In addition, allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to the College via the awarding organisation.

Allegations made by College staff:

- Allegations of suspected staff / student malpractice to be made to the Headteacher;

Allegations made by students:

All College staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels:

- Allegations of suspected staff malpractice and/or student malpractice to be reported to the Headteacher;

The College will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available.

b. To Awarding Organisations

The College accepts the responsibility to report any suspicion of student or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice in Non Exam Assessment or controlled assessment which is discovered prior to the student signing the declaration of authentication. In these cases the incident need not be reported to awarding bodies, but will be dealt with in accordance with the College's disciplinary / student management procedures. Any work which is not the student's own will not be given credit; in addition a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice the Examinations Manager will submit the fullest details of the case at the earliest opportunity to the relevant awarding body as per Joint Council of Qualification regulations.

2. Investigation of suspected malpractice

If assessment malpractice is suspected by **College staff** there will be a process of investigation, usually commissioned by the Headteacher, to establish the full facts and circumstances of any allegations or

evidence. Such an investigation will usually be under the terms of the College's Staff Disciplinary Policy and Procedure given the potential seriousness of the matter.

The Headteacher will usually nominate an investigating officer. In order to avoid conflicts of interest investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice.

Any disciplinary investigation will proceed as described in the Staff Disciplinary Policy and Procedure and include provision for:

- The member of staff to be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The member of staff to be accompanied at any subsequent investigation meeting;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;
- A decision to be made on whether or not to proceed to a formal disciplinary hearing;
- If necessary a formal hearing with a right of representation.

Possible Actions Taken by the College

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by the College of the allegation of malpractice and they will be given the supporting evidence;
- The College will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal.

In any instances where suspected malpractice will be reported to awarding bodies the College will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of **student assessment malpractice** will be investigated in a similar manner by the Headteacher. As with staff malpractice potential conflicts of interest will be avoided by nomination of an investigating officer who is external to the management of the student.

Investigations will proceed through the following stages:

- The student will be informed about the issues, possible consequences and right of appeal;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;
- A formal meeting between the Headteacher or Deputy Headteacher and the student against whom an allegation has been made.

Possible Actions Taken by the College

In cases where it is believed that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by the College of the allegation of malpractice and they will be given the supporting evidence;

In any instances where suspected malpractice will be reported to awarding bodies the College will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Conflicts of Interest

Helston Community College operates in accordance with JCQ Regulations 2020-21 (General Regulations) and will manage conflicts of interest by ensuring that members of staff complete a 'Declaration of Interest' form if any of the following bullet points are applicable. A copy of the declaration form is included in the Appendix 2. The College will inform the awarding bodies, before the published deadline for entries, of any members of staff who have declared that meet one or more of these criteria:

- any members of centre staff who are taking qualifications at their own centre which include internally assessed components/units;
- any members of centre staff who are teaching and preparing members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) for qualifications which include internally assessed components/units; and maintains clear records of all instances where:
- exams office staff have members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) being entered for examinations and assessments either at the centre itself or other centres;
- centre staff are taking qualifications at their centre which do not include internally assessed components/units;
- centre staff are taking qualifications at other centres.

Additional details of the measures taken to mitigate any potential risk to the integrity of the qualifications affected will be recorded in a conflict of interest log by the Examinations Manager.

The records may be inspected by a JCQ Centre Inspector and/or awarding body staff. They might be requested in the event of concerns being reported to an awarding body. The records must be retained until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.

NOTE:

Entering members of centre staff for qualifications at their own centre must be as a last resort in cases where the member of centre staff is unable to find another centre. The Head of Centre is responsible for ensuring that proper protocols are in place to prevent the member of centre staff having access to examination materials prior to the examination and that other centre staff are briefed on maintaining the integrity and confidentiality of the examination materials. The Head of Centre must ensure that during the examination series the member of centre staff is treated as per any other candidate entered for that examination, does not have access to examination materials and does not receive any preferential treatment.

Appendix 1

Examples of Malpractice

This detailed list of examples of malpractice by staff and students has been drawn from the JCQ document *Suspected Malpractice in Examinations and Assessments*. These lists are not exhaustive and other instances of malpractice may be considered by the College at its discretion. This appendix will be updated annually in line with the newly published JCQ regulations.

Staff Malpractice

Breach of security

Breaking the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents:

It could involve:

- failing to keep examination material secure prior to an examination;
- discussing or otherwise revealing secure information in public, e.g. internet forums;
- moving the time or date of a fixed examination beyond the arrangements permitted by the published regulations of the Joint Council of Qualifications;
- failing to supervise adequately candidates who have been affected by a timetable variation;
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination papers after an exam in cases where the life of the paper extends beyond the particular session. For example, where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts or controlled assessments or Non Exam Assessments after collection and before despatch to the awarding body/examiner/moderator;
- failing to keep student computer files which contain controlled assessments or Non Exam Assessments secure.

Deception

Any act of dishonesty in relation to any examination or assessment, but not limited to:

- inventing or changing marks for internally assessed components (e.g. Non Exam Assessments) where there is no actual evidence of the candidates' achievement to justify the marks being given;
- manufacturing evidence of competence against national standards;
- fabricating assessment and/or internal verification records or authentication statements;
- entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud).

Improper assistance to candidates

Giving assistance beyond that permitted by the specification to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment

For example:

- assisting candidates in the production of controlled assessments or Non Exam Assessments, or evidence of achievement, beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessments or Non Exam Assessments with other candidates in a way which allows malpractice to take place;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in Language Speaking Examinations by means of signs, or verbal or written prompts;
- assisting candidates granted the use of an oral language modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations.

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, Non Exam Assessments and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examination papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc.

For example:

- failing to ensure that candidates' Non Exam Assessment or work to be completed under controlled conditions is adequately monitored and supervised;
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed by the JCQ regulations;
- failure to use current assignments for assessments;
- failure to train invigilators adequately, leading to non-compliance with JCQ regulations;
- failing to issue to candidates the appropriate notices and warnings;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment in all rooms (including music and art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to awarding body requirements;
- the introduction of unauthorised material into the examination room, either during or prior to the examination;

- failing to ensure that mobile phones are placed outside the examination room and failing to remind candidates 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 in accordance with the JCQ 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 candidates which do not meet the requirements of the JCQ publication Access Arrangements, Reasonable Adjustments and Special Consideration;
- granting access arrangements to candidates 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 body;
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or Non Exam Assessments in secure conditions after the authentication statements have been signed;
- failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner;
- failing to despatch candidate scripts / controlled assessments / Non Exam Assessments to the awarding bodies or examiners or moderators in a timely way;
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body 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 body;
- the inappropriate retention or destruction of certificates.

Candidate Malpractice

For example:

- the alteration or falsification of any results document, including certificates;
- a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with other candidates, beyond what is permitted;
- copying from another candidate (including the use of ICT to aid the copying);

- allowing work to be copied e.g. posting written Non Exam Assessments on social networking sites prior to an examination/assessment;
- the deliberate destruction of another candidate's work;
- disruptive behaviour 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 talking, electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessments, Non Exam Assessments or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, Non Exam Assessments or assisting others in the production of controlled assessments or Non Exam Assessments;
- 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;
- bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- the inclusion of inappropriate, offensive, obscene, homophobic, transphobic, racist or sexist material in scripts, controlled assessments, coursework, non-examination assessments or portfolios;
- impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- plagiarism: unacknowledged copying from published sources or incomplete referencing;
- theft of another candidate's work;
- bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- the unauthorised use of a memory stick where a candidate uses a word processor;
- behaving in a manner so as to undermine the integrity of the examination.

Appendix 2

Declaration of Interest form 2020/21

To comply with the regulations, the centre is required to manage Conflicts of Interest and inform the relevant awarding body/bodies for any of their qualifications of:

- any members of centre staff who are taking qualifications at their own centre which include internally assessed components/units;
- any members of centre staff who are teaching and preparing members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) for qualifications which include internally assessed components/units; and

maintains clear records of all instances where:

- exams office staff have members of their family (which includes step-family, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) being entered for examinations and assessments either at the centre itself or other centres;
- centre staff are taking qualifications at their centre which do not include internally assessed components/units;
- centre staff are taking qualifications at other centres.

To ensure compliance, you **must** declare (by ticking) any of the statements that apply to you and complete the required information in the white boxes.

Your name		Your job title(s)	
Subject(s) you teach (if applicable to your role)			

Please tick any statement/statements that applies/apply to you and complete the required information (or will apply to you during the **2020/21** academic year)

- I am taking a qualification(s) at this centre which includes an internally assessed component/unit

Qualification(s) I am taking	Awarding body	Qualification type	Specification (Subject)
Steps I have taken to seek an alternative centre at which to take the qualification(s)			

- I am teaching and preparing a member of my family or close friend/member of their immediate family for a qualification(s) which includes an internally assessed component/unit

(Where more than one related person, please complete a separate form)

Name of related person (the candidate)			
Candidate number			Relationship to me
Qualification(s) being taught and prepared for	Awarding body	Qualification type	Specification (Subject)

- I am a member of exams office staff and have a member of my family or close friend/member of their immediate family being entered for examinations and assessments at this centre or another centre
(Where more than one related person, please complete a separate form)

Name of related person (the candidate)			
Where the candidate is being entered		<input type="checkbox"/> This centre <input type="checkbox"/> Another entering centre (tick box as applies)	
Candidate number (if this centre)			Relationship to me
Entering centre name (if not this centre)			
Entering centre number (if known)			

- I am taking a qualification at this centre which does not include internally assessed components/units
 I am taking a qualification at another centre

Qualification(s) I am taking	Awarding body	Qualification type	Specification (Subject)	Exam series
Entering centre name				
Entering centre number (if known)				

Date declaration(s) made:

Signature to confirm declaration(s):

This completed form (including date and signature) must be returned to the Examinations Manager.

The declaration(s) you have provided will be used to inform the relevant awarding body/bodies (where required) and to record details of the measures taken to mitigate any potential risk to the integrity of the qualifications affected. You will be informed if/where any measures or protocols put in place directly affect you.

All records are subject to inspection by the JCQ/awarding body on request and will be retained until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later (for the relevant exam series).

FOR HEAD OF CENTRE/EXAMS OFFICER USE ONLY

Date	Action
	Completed Declaration form received
	Declaration(s) recorded on Conflict of Interest (COI) log
	Awarding body/bodies informed of specific COI (where applicable)
	Staff member informed of measures/protocols in place to manage the risk represented by the COI