

Bury College Policy and Procedures

Malpractice and Maladministration Policy

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Amendment Record

Ref (i.e. point 3.2)	Context	Revision	Date
Section 4 – responsibilities		Added points regarding the process will be followed to ensure that any allegations against candidates are fully investigated. Should be made to the Appeals Policy which a candidate may need to refer to if the candidate feels they have been treated unfairly.	20th Dec
		Policy fit for purpose, additional information included in reference to awarding bodies not part of JCQ.	13th March 2018
		Updates in red.	15th Aug 2019

		Updated	September 2021
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1. Introduction & Purpose

1.1 Bury College has an obligation to its learners, employers, awarding organisations and partner universities to ensure that the qualifications its learners receive are a fair and accurate representation of their work, and of the knowledge and skills attained. Therefore, the purpose of this policy is to ensure that the integrity of the qualifications is upheld by taking reasonable steps to prevent malpractice and/or maladministration. And by approaching in a consistent manner, all reports of suspected or actual cases of malpractice and/or maladministration, whether carried out by learners or staff are reported to the awarding organisation and relevant procedures are followed, which are outlined in this policy.

1.2 This policy has been prepared with reference to “JCQ General and Vocational qualifications Suspected Malpractice in Examinations and Assessments Policies and Procedures” <http://www.jcq.org.uk/exams-office/malpractice> Where an awarding organisation is not a member of the JCQ, the same definitions will apply and the awarding organisation’ guidelines on malpractice or maladministration will be referred to.

1.3 Learners on programmes of study with partner validating Universities are subject to their academic Standards and Quality. Cases of suspected malpractice or maladministration will be referred to the relevant institution’s policies and procedures. Learners on Pearson Higher Level programmes are subject to the same procedures outlined in this policy in line with the JCQ requirements. Further information can be found on the Pearson website.

<https://qualifications.pearson.com/en/support/support-topics/exams/examination-guidance/malpractice-and-plagiarism.html>

1.4 In addition, this policy is designed to meet the requirements of the Quality Assurance Agency (QAA) for Higher Education whereby Higher education providers operate processes for preventing, identifying, investigating and responding to unacceptable academic practice, ensuring that students do not obtain awards through any form of unacceptable academic practice relating to assessment - including plagiarism, cheating, collusion and impersonation.

<https://www.qaa.ac.uk/quality-code#>

2. Definitions

2.1 Malpractice

‘Malpractice’, which includes maladministration and non-compliance, means any act, default or practice which is a breach of the Regulations by which Bury College is required to abide or 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 organisation or centre.

2.2 Staff malpractice

‘Staff malpractice’ means: malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services); 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 staff malpractice are set out in Appendix A.

2.3 Learner malpractice

'Learner malpractice' means malpractice by a learner 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 Learner malpractice are set out in Appendix B.

2.4 Maladministration is defined as any activity or practice which results in non-compliance with an awarding organisation's administrative regulations and requirements including the application of persistent mistakes or poor administration.

Examples of Maladministration are set out in Appendix C.

3. Implementation

3.1 Suspected malpractice and maladministration will be dealt with under the guidance of "JCQ General and Vocational qualifications Suspected Malpractice in Examinations and Assessments Policies and Procedures" <http://www.jcq.org.uk/exams-office/malpractice>

3.2 Incidents of suspected or alleged malpractice or maladministration must be reported so that an investigation can take place.

3.3 Procedures for reporting and investigating suspected or alleged malpractice or maladministration are shown in section 5.

3.4 Allegations of staff malpractice or maladministration will be dealt with under the terms of the Staff Disciplinary Policy Statement and Procedures and/or the Capability Procedure.

3.5 Allegations of learner malpractice will be dealt with under the terms of the Student Behaviour Policy.

3.6 Depending on the outcome of an investigation, penalties or sanctions may be applied. If applied by the awarding organisation, a written request for an appeal can be made within two calendar weeks.

If applied by the College, refer to the appeals process within the relevant staff or student policy. Where an awarding organisation is not a member of the JCQ, the same procedures will be followed and the awarding organisations' guidelines on malpractice or maladministration will be referred to. <https://www.jcq.org.uk/exams-office/appeals>

4. Responsibilities

It will normally be expected that investigations into allegations of malpractice will be allocated by the Deputy Principal – Curriculum and Quality, who must log the details of the investigation and ensure the deadlines set by the JCQ and / or awarding organisation are adhered to.

Individual responsibilities are referred to below.

Those responsible for conducting an investigation should follow the guidance and actions provided by the awarding organisation from which the full facts and circumstances of any alleged malpractice can be established.

It should not be assumed that because an allegation has been made, it is true.

If the investigation is delegated to another senior member of centre staff, Quality and Standards retains overall responsibility for the investigation. In selecting a suitable senior member of centre staff the Deputy Principal must take all reasonable steps to avoid a conflict of interest. Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice.

In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, Quality and Standards may contact the JCQ and / or awarding organisation as soon as possible to discuss the matter.

Where the person conducting the investigation deems it necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interviews must be conducted in accordance with the centre's own policy for conducting disciplinary hearings.

4.1 Quality and Standards responsibilities

- 4.1.1 Promptly notify the appropriate JCQ and / or awarding organisation of suspicions or actual incidents of malpractice or maladministration in line with the requirements of the awarding organisation malpractice/maladministration policy.
- 4.1.2 Take all reasonable steps to investigate any suspected incidents of malpractice or maladministration within the allocated timeframe

4.2 Management responsibilities

- 4.2.1 Take all reasonable steps to prevent malpractice or maladministration from occurring
- 4.2.2 Inform staff of their responsibilities under this policy

4.3 Staff responsibilities

- 4.3.1 Take all reasonable steps to prevent malpractice or maladministration from occurring
- 4.3.2 Implement assessment practices that reduce the opportunity for malpractice
- 4.3.3 Abide by the specific assessment and administrative requirements for each course and qualification as laid down by the relevant awarding organisation.
- 4.3.4 Take seriously any allegations made in a professional capacity and report any suspected incidences of malpractice or maladministration to their line manager or the Quality and Standards Manager.
- 4.3.5 Ensure learners are aware of their responsibilities under this policy
- 4.3.6 Check the validity of all work submitted for assessment
- 4.3.7 Make learners aware of the procedures for reporting any suspected incident of malpractice or through means such as a candidate coursework information sheet.

4.4 Learner responsibilities

- 4.4.1 Submit work for assessment that is the learner's own original work
- 4.4.2 Report any suspected incident of malpractice or maladministration to a member of staff

5. Procedures for reporting and investigating suspected or alleged malpractice or maladministration.

5.1. Reporting and investigating Suspected Malpractice or Maladministration within College

Allegations of suspected malpractice or maladministration should normally be made in writing. Where an allegation is made orally, the receiver of the allegation should attempt to obtain written confirmation from the person(s) making the allegation, but if this is not possible should make a written record.

All College staff and learners should report any suspected incidences of staff malpractice or maladministration to the Assistant Director of Quality Improvement.

If a suspected or alleged incidence of malpractice or maladministration is reported, the Assistant Director of Quality Improvement or person nominated will promptly carry out a documented brief preliminary investigation to establish the basis and validity of any suspected or alleged malpractice and notify the Deputy Principal. This will determine whether a full investigation is necessary and be the basis of informing the awarding organisation.

Should it be that a full investigation is necessary, the Deputy Principal will delegate a nominee who will oversee the investigation. The nominee may be the Assistant Director of Quality Improvement or another senior member of staff.

5.2. Reporting and investigating Suspected Malpractice or Maladministration - to Awarding Organisations

The Deputy Principal must notify the appropriate awarding organisation at the earliest opportunity of all suspicions or actual incidents of malpractice or Maladministration.

The only exception to this is candidate malpractice discovered in controlled assessments or coursework before the authentication forms have been signed by the candidate. Malpractice by a candidate in a coursework or controlled assessment component of a specification discovered prior to the candidate signing the declaration of authentication need not be reported to the awarding organisation, but must be dealt with in accordance with the centre's internal procedures.

If a candidate has not been entered with an awarding organisation for the component, unit or qualification, malpractice discovered in controlled assessment or coursework must also be dealt with in accordance with the centre's internal procedures.

Centres should not normally give credit for any work submitted which is not the candidate's own work. If any assistance has been given, a note must be made of this on the cover sheet of the candidate's work or other appropriate place.

Where malpractice by a learner in a vocational qualification is discovered prior to the work being submitted for certification, centres should refer to the guidance provided by the awarding organisation.

The Deputy Principal must:

- supervise personally, and as directed by the awarding organisation, all investigations resulting from an allegation of malpractice unless the investigation is being led by the awarding organisation or another party;
- ensure that if it is necessary to delegate an investigation to a **senior member of centre staff**, the **senior member of centre staff** chosen is independent and not connected to the department or candidate involved in the suspected malpractice. This is to avoid conflicts of interest which can otherwise compromise the investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- make available information as requested by an awarding organisation;
- 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;
- inform staff members and candidates of their individual responsibilities and rights as set out in the JCQ guidelines;
- pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding organisation as a result of a malpractice case.

The Awarding organisation will follow the stages detailed in the JCQ Suspected Malpractice in Examinations and Assessments once they have been notified of a suspicious or actual incident of malpractice, these are:

- a) The allegation
- b) The awarding organisation's response
- c) The investigation
- d) The report
- e) The decision
- f) The appeal

6 Monitoring, Review and Evaluation

6.1 This policy will be reviewed annually and revised as necessary in response to and including learner feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of assessment malpractice or maladministration.

6.2 In addition, the related procedures may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of assessment malpractice and maladministration remain effective.

7 Associated Documents

- 5.1 JCQ or relevant awarding organisation Suspected Malpractice in Examinations and Assessments
- 5.2 Exams Policy
- 5.3 Disciplinary Policy and Procedures
- 5.4 Student Behaviour Policy
- 5.5 Compliments & Complaints Policy and Procedures
- 5.6 The UK Quality Code
- 5.7 Turnitin Procedure
- 5.8 Access to Fair Assessment & Appeals Policy and Procedures

Appendix A Staff Malpractice

The following are examples of staff malpractice. **This is not an exhaustive list.** Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

Breach of Security

Any act which breaks 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 within the JCQ publication Instructions for conducting examinations.
- Conducting an examination before the published date constitutes centre staff malpractice and a clear breach of security;
- failing to supervise adequately candidates who have been affected by a timetable variation; (This would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day.)
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination question papers after an examination 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 coursework after collection and before despatch to the awarding organisation /examiner/moderator;
 - (This would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding organisation /examiner. The only instance where photocopying a candidate's script is permissible is where he/she has been granted the use of a transcript.)
 - failing to keep candidates' computer files secure which contain controlled assessments or coursework.

Deception

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

- inventing or changing marks for internally assessed components (e.g. coursework) where there is no actual evidence of the candidates' achievement to justify the marks awarded;
- 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);
- substituting one candidate's controlled assessment or coursework for another.

Improper assistance to candidates

Any act where assistance is given beyond that permitted by the specification or regulations 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 coursework, or evidence of achievement, beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessments or coursework 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 an examination/assessment 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.

Failure to co-operate with an investigation

- failure to make available information reasonably requested by an awarding organisation in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or failure to investigate on request in accordance with the awarding organisation's instructions or advice; and/or
- failure to investigate or provide information according to agreed deadlines; and/or □ failure to report all suspicions of malpractice.

Appendix B Learner Malpractice

The following are examples of learner malpractice. **This is not an exhaustive list.** Other instances of malpractice may be identified and considered by the awarding bodies at their discretion. Guidance and information on Plagiarism are referred to in Appendix D.

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 organisation 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 IT to aid the copying);
- allowing work to be copied e.g. posting written coursework 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, coursework or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- 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 or obscene material in scripts, controlled assessments, coursework 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; For further information see Appendix E Plagiarism
- 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 (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, Smartwatches or other similar electronic devices;
- the unauthorised use of a memory stick or similar device where a candidate uses a word processor;
- behaving in a manner so as to undermine the integrity of the examination.

Appendix C Maladministration

The following are examples of maladministration. **This is not an exhaustive list.** Other instances of maladministration may be identified and considered by the awarding bodies at their discretion.

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

- failing to ensure that candidates' coursework 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 within Chapter 7 of the JCQ publication Access Arrangements and Reasonable Adjustments ;
- failure to use current assignments for assessments;
- failure to train invigilators adequately, leading to non-compliance with the JCQ publication

Instructions for conducting examinations:

- failing to issue to candidates the appropriate notices and warnings, e.g. JCQ Information for candidate's documents;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment outside 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 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 candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination).
- 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 examinations in accordance with the JCQ publication Instructions for conducting examinations;

- failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements;
- failure to have on file for inspection purposes appropriate evidence, as per the JCQ publication Access Arrangements and Reasonable Adjustments, to substantiate approved access arrangements processed electronically using the Access arrangements online system;
- granting access arrangements to candidates who do not meet the requirements of the JCQ publication Access Arrangements and Reasonable Adjustments ;
- 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 organisation;
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or coursework in secure conditions after the authentication statements have been signed or the work has been marked;
- failing to maintain the security of candidate scripts prior to despatch to the awarding organisation or examiner;
- failing to despatch candidate scripts / controlled assessments / coursework to the awarding bodies or examiners or moderators in a timely way;
- failing to notify the appropriate awarding organisation at the earliest opportunity of all suspicions or actual incidents of malpractice;
- 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.

Appendix D Plagiarism

Minor Plagiarism

Plagiarism that is minor includes:

The unattributed use of a few sentences, or a short paragraph;

Where students may be likely to be unaware of the consequences of plagiarism

Cases of minor plagiarism will normally be handled within the curriculum area and should be treated in a way which first of all provides clear guidance to students over what they have done; students should receive instructions from their Tutor (or other member of the academic staff) about plagiarism: that it amounts to cheating; and is regarded by the College as very serious. The tutor should explain to the student the necessity of properly acknowledging and referencing the work of others and should provide appropriate examples.

Major Plagiarism

All cases not covered by the definition above are deemed to be major, that is:

Extensive copying or plagiarism committed by a student;

Plagiarism which is the student's second (or subsequent) offence of minor plagiarism.

Cases of such seriousness or such blatancy committed by a student that to deal with them within the curriculum area would be inappropriate;

Any case, regardless of extent, where it is inappropriate to deal with it within a curriculum area.

Major Plagiarism is considered by the college to be **learner malpractice** and will be treated as such in line with the Behaviour Policy

Student Guide to Plagiarism

Plagiarism occurs whenever a student dishonestly presents as his or her own work the work of another person, whatever the medium (text, written or electronic, computer programmes, data sets, visual images whether still or moving).

1. Unacknowledged direct copying from the work of another person, or the close paraphrasing of some organisation else's word, is plagiarism. This applies to copying both from other students' work, work of staff and from published sources such as books, reports or journal articles.

Plagiarised material may originate from any source. It is as serious to use material from the World Wide Web or from a computer based encyclopaedia or literature archive as it is to use material from a printed source if it is not properly acknowledged.

2. Use of quotations or data from the work of others is entirely acceptable, and is often very valuable provided that the source of the quotation or data is given. Failure to provide a source or put quotation marks around material that is taken from elsewhere gives the appearance that the comments are ostensibly one's own. When quoting word-for-word from the work of another person quotation marks or indenting (setting the quotation in from the margin) must be used and the source of the quoted material must be acknowledged.

3. Paraphrasing, when the original statement is still identifiable and has no acknowledgement, is plagiarism. Taking a piece of text, from whatever source, and substituting words or phrases with other words or phrases is plagiarism. Any paraphrase of another person's work must have an acknowledgement to the source. It is not acceptable to put together unacknowledged passages from the same or from different sources linking these together with a few words or sentences of your own and changing a few words from the original text: this is regarded as over-dependence on other sources, which is a form of plagiarism.

4. Direct quotations from an earlier piece of the student's own work, if unattributed, suggests that the work is original, when in fact it is not. The direct copying of one's own writings qualifies as plagiarism if the fact that the work has been or is to be presented elsewhere is not acknowledged.

5. Source of quotations used should be listed in full in a bibliography at the end of the piece of work and in a style required by the student's curriculum area.

6. Coursework (including assignments, essays, skills assessments and management reports) must be the student's own work unless in the case of group projects a joint effort is expected and is indicated as such. Students must acknowledge assistance given from fellow students, staff and work-based mentors to avoid suspicion of plagiarism.

7. Major plagiarism is a serious offence and will result in the College disciplinary process being invoked. In deciding upon the penalty the College will take into account factors such as the stage of the study, the extent and proportion of the work that has been plagiarised and the apparent intent of the student. The penalties that may be imposed range from a minimum of a zero mark for the work (with or without allowing resubmission), the down grading of a result, reporting to the awarding organisation, to disciplinary measures such as disciplinary contact, temporary or permanent exclusion from the college.

It is important to distinguish between minor plagiarism and those cases in which the plagiarism is major. Staff assessing students' work must use their own professional judgement to decide when an instance of plagiarism is significant, i.e. when action needs to be taken over the case. The unattributed use of several words or a single sentence would not normally require significant action (other than appropriate tutorial advice).