

Malpractice Policy

2023/24

This procedure is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
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Review Date	20 th March 2025

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Introduction

This document is intended for heads of centres, examination officers and others involved in managing the delivery of general and vocational qualifications which are certificated by awarding bodies who are members of the Joint Council for Qualifications.

It has been drawn up in accordance with Joint Council agreements dealing with malpractice and breaches of security.

The document:

- complies with Condition A8 – Malpractice and maladministration of the regulators' General Conditions of Recognition;
- identifies the Codes of Practice and regulations under which examinations and assessments operate;
- defines malpractice in the context of examinations and assessments;
- sets out the rights and responsibilities of awarding bodies, centre staff and candidates in relation to such matters;
- Describes the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

Instances of malpractice

Instances of malpractice arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations;
- Some occur as a direct result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted).

The individuals involved in malpractice are also varied.

They may be:

- candidates;
- teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, the administration or the quality assurance of examinations and assessments;
- assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- other third parties, e.g. parents/carers, siblings, friends of the candidate.

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to examinations and assessment need to be investigated. This is to protect the integrity of the qualification and to be fair to the centre and all candidates.

This document details the procedures for investigating and determining allegations of malpractice which in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.²

discretion.⁵

2. Individual responsibilities

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

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

2.2 The awarding body will:

- oversee all investigations into suspected or alleged malpractice;
- withhold the issuing of results until the conclusion of the investigation, or permanently, where the outcome of the investigation warrants it;
- apply the sanctions and penalties listed in this document in cases of proven malpractice;
- report the matter to the regulators and other awarding bodies in accordance with the regulators' General Conditions of Recognition ;
- report the matter to the police if a proven malpractice involved the committing of a criminal act.

2.3 Investigations will normally be carried out by the head of centre acting on behalf of the awarding body.

Investigations into allegations of malpractice or irregularities against the head of the centre or the management of the centre may be carried out by:

- the Chair of the Governing Body of the centre;
- the responsible employer (or his/her nominee);

2.4 Awarding bodies may use their own personnel to investigate cases involving a breach or suspected breach of security (e.g. the content of examination material becomes known before the scheduled date of the examination). This is in addition to and not a substitution for the requirement for centres to provide full details of suspected, alleged or confirmed breaches of security.⁶

2.5 The head of centre **must**:

☒ notify the appropriate awarding body at the earliest opportunity all suspicions or actual incidents of malpractice.

The only exception to this is malpractice discovered in controlled assessments or coursework before the authentication forms have been signed by the candidate (see section 4.3);

- **Complete Form JCQ/M1** (suspected candidate malpractice) or **Form JCQ/M2A** (suspected malpractice/maladministration involving centre staff) to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>;
- supervise personally all investigations resulting from an allegation of malpractice;
- Ensure that if it is necessary to delegate an investigation to a member of staff, the member of staff chosen is independent, and not connected to the department 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;
- co-operate and ensure their staff co-operate fully 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 these guidelines;
- Pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

2.6 The responsibilities in **section 2.5** extend to instances of suspected malpractice involving private candidates entered through the centre.⁷

3. Procedures for dealing with allegations of malpractice

3.1 The handling of malpractice complaints and allegations involves the following phases.

- The allegation
- The awarding body's response
- The investigation
- The Report
- The decision
- The appeal

Communications

3.2 Awarding bodies will normally communicate with the head of centre when reporting allegations of malpractice, except when the head of centre or management of the centre is under investigation. In such cases communications will be with such other person nominated to investigate the matter by the relevant awarding body, such as the Chair of Governors.

3.3 Communications relating to the decisions taken by the awarding body in cases of malpractice will always be addressed to the head of centre, except when the head of centre or management is under investigation. When the head of centre or management is under investigation, communication will be with the Chair of Governors, Local Authority officials or other appropriate governance authorities, as deemed appropriate.

3.4 Awarding bodies may communicate directly with members of centre staff who have been accused of malpractice if the circumstances warrant this, e.g. the staff member is no longer employed or engaged by the centre.

3.5 Awarding bodies will only communicate directly with a candidate or the candidate's representative when either the candidate is a private candidate or the awarding body has chosen to communicate directly with the candidates due to the circumstances of the case.

(For example, there is a contradiction in the evidence provided by the candidate and the centre, or the centre is suspected of non-compliance with the regulations.)

In such cases the awarding body will advise the head of centre in writing that it proposes to deal directly with the candidate. A head of centre once advised by the awarding body should not ordinarily communicate further with the candidate.⁸

4. The allegation

Suspected malpractice identified by examiners, moderators and external verifiers

4.1 Examiners, moderators and external verifiers who suspect malpractice in an examination or assessment **must** notify the relevant awarding body immediately using the procedures and forms provided by the awarding body.

A full account of the incident should be submitted together with supporting evidence and an indication of which regulation or specification requirement has been broken.

It is not necessary to inform the head of centre of this report as details of the allegation will be communicated from the awarding body.

Suspected malpractice identified by a centre

4.2 Where suspected malpractice is identified by a centre, the head of centre **must** submit full details of the case at the earliest opportunity to the relevant awarding body.

Form JCQ/M1 (suspected candidate malpractice) or **Form JCQ/M2A** (suspected malpractice/maladministration involving centre staff) should be used to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>

Notifications in letter format will be accepted providing the information given covers the same points as Form JCQ/M1 or JCQ/M2A.

4.3 Malpractice 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 body, but must 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.

(Note: centres are advised that if coursework or portfolio work or controlled assessment which is submitted for internal assessment is rejected by the centre on grounds of malpractice, candidates have the right to appeal against this decision.

The JCQ website contains advice on the recommended procedures for appeals against internal assessment decisions.)⁹

Malpractice reported by others

4.4 Allegations of malpractice are sometimes reported to awarding bodies by employers, centre staff, regulators, funding agencies, candidates and members of the public. Sometimes these reports are anonymous. Where requested, awarding bodies will not disclose the identity of individuals reporting cases of suspected malpractice, unless legally obliged to do so.

4.5 Awarding bodies are aware that the reporting of malpractice by a member of staff or a candidate can create a difficult environment for that staff member or candidate.

Accordingly, an awarding body will try to protect the identity of an informant if this is asked for at the time the informant gives information.

An awarding body will use such information in its investigation but will not present to the Malpractice Committee information from an informant who wishes to withhold his/her identity.

4.6 If the information is provided over the telephone, the informant will usually be asked to make the allegation in writing.

4.7 When an awarding body receives an allegation from someone other than the head of a centre (including anonymous reports), the awarding body will evaluate the allegation in the light of any other available information, to see if there is cause to investigate.¹⁰

5. The awarding body's response to an allegation of malpractice

5.1 In the case of notifications of suspected malpractice received from examiners, moderators, external verifiers, the regulator or members of the public, (including whistleblowers) the awarding body will consider the information provided and decide to:

- take no further action; **or**
- where necessary, ask the head of centre to conduct a full investigation into the alleged malpractice and to submit a written report; **or**
- in the case of alleged fraud or a serious breach of security, investigate the matter directly.

5.2 The awarding body will notify the regulators as soon as it receives an allegation of fraud or a serious breach of security. The other awarding bodies which have approved that centre, and the police, may also be informed.

5.3 On receipt of a notification of suspected malpractice, submitted by a head of centre, the awarding body will consider the information provided and decide either:
to take no further action; **or**

if the notification takes the form of a Report, to make a decision on the case in accordance with the procedures, (where the evidence permits) - **see sections 8 to 13**; **or**

to ask the head of centre to carry out a further investigation as described in **sections 6.1 to 6.7** and provide further evidence; **or**

to investigate the matter further itself.

5.4 In order to ensure the integrity of future examinations/assessments, the awarding body may undertake additional inspections and/or monitoring, and/or require additional actions.¹¹

6. The investigation

Investigations carried out by the head of centre

6.1 It will normally be expected that investigations into allegations of malpractice will be carried out by the head of centre. The head of centre should deal with the investigation in a timely manner.

Heads of centre are referred to **section 2.5** of this document for their responsibilities.

6.2 Those responsible for conducting an investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.

6.3 The head of centre should consider that both staff and candidates can be responsible for malpractice. 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.

6.4 If a centre is reporting the suspected malpractice, the awarding bodies recommend that, as a minimum, the centre provides the accused individuals with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Reference should also be made to **section 6.15** which deals with the rights of the accused individuals.

6.5 When the head of centre 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 enquiries.

6.6 The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour.

However, if any party wishes to be accompanied by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. An awarding body will not be liable for any professional fees incurred.

The head of centre is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement.¹²

Investigations carried out by the awarding body

6.7 For allegations of malpractice which involve fraud or a serious breach of examination security, it will normally be expected that an investigation into the allegation will be carried out by the relevant awarding body or bodies and/or the regulators, acting in conjunction with the head of centre (or the governing body or management board), and possibly the Police.

The funding agencies will also usually conduct their own investigation if fraud is suspected.

6.8 An awarding body will not normally withhold from the head of centre any evidence or material obtained or created during the course of an investigation into an allegation of malpractice.

However, it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, the awarding body will provide the evidence and material and will withhold information that would reveal the person's identity, and will explain why the withheld information cannot be provided.

Any material or evidence not provided to the head of centre will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.

6.9 If investigations reveal that candidates had prior knowledge of the content of an examination or assessment, the awarding body must establish whether information could have been divulged to candidates at other centres or to other unauthorised persons.

6.10 Sometimes it is necessary for the awarding body to interview a candidate during an investigation. If the candidate is a minor or a vulnerable adult, and if the interview is to be conducted face to face, the awarding bodies undertake to do this only in the presence of the head of centre, or other senior member of staff, or the candidate's parent/carer or with the permission of the head of centre or parent/carer.

6.11 Interviews may also be conducted over the telephone.

6.12 When it is necessary for a member of the awarding body staff to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor (who may be a representative of a teacher association or other association).

6.13 If the individual being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them the opportunity to be similarly supported.

The head of centre will be required to make available an appropriate venue for such interviews.

6.14 The individual being interviewed may also be requested to provide a written statement.¹³

Rights of the accused individuals

6.15 When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual whether a candidate or a member of staff, accused of malpractice **must**:

- be informed (preferably in writing) of the allegation made against him or her;
- be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedures can be found on the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>;
- know what evidence there is to support that allegation;
- know the possible consequences should malpractice be proven;
- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- be informed of the applicable appeals procedure, should a decision be made against him or her;
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators, the Police and/or professional bodies including the Teaching Agency as appropriate.

6.16 Responsibility for informing the accused individual rests with the head of centre.

In certain circumstances it may be necessary for the head of centre to exercise discretion, in the light of all the circumstances of the case, as to the timing and the means by which an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

6.17 Full details of the awarding body's appeals procedures will be sent to the head of centre involved in an appeal. **(See section 14.)**¹⁴

7. The Report

7.1 After investigating an allegation of malpractice the head of centre **must** submit a full written Report of the case to the relevant awarding body.

7.2 The Report should be accompanied by the following documentation, as appropriate:

- a statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre;
- written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- written statement(s) from the candidate(s);
- any mitigating factors;
- information about the centre's procedures for advising candidates of the awarding bodies' regulations;
- seating plans showing the exact position of candidates in the examination room;
- unauthorised material found in the examination room;
- any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.

7.3 **Form JCQ/M1 or Form JCQ/M2B** should be used as the basis of the Report.

The forms are available from the JCQ website -

<http://www.jcq.org.uk/exams-office/malpractice>

Reports in letter format will be accepted providing the information given covers the same points as the form.

7.4 The awarding body will decide on the basis of the Report and any supporting documentation whether there is evidence of malpractice and therefore a case to answer.¹⁵

8. The decision

The Malpractice Committee

8.1 In order to determine the outcomes in cases of alleged malpractice awarding bodies may appoint a Panel or Committee composed of external members experienced in examination and assessment procedures.

Alternatively, this function may be allocated to a named member or members of staff. In this document the Committee (or awarding body personnel responsible for making decisions in malpractice cases) is referred to as the "Malpractice Committee".

The Committee may be assisted by an awarding body member of staff.

8.2 The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- The work of the Malpractice Committee is confidential.
- Members of the Malpractice Committee are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter.
- Accused individuals, heads of centre and their representatives are not entitled to be present at meetings of the Malpractice Committee.

8.3 The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation.

8.4 Awarding body staff who have directly investigated the case will play no role in the decision making process.

8.5 No one who declares an interest in the outcome of the case will be present in the room when the case is considered.

8.6 Information supplied to the Malpractice Committee will be only that which is directly relevant to the case under consideration and which has been made available to the person against whom the allegation has been made, subject to redaction.

The person against whom the allegation has been made will be given the opportunity to make a statement to the Malpractice Committee in light of the material provided.¹⁶

Making the decision - overview

8.7 In making a decision on any Report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

8.8 If satisfied, the Malpractice Committee will then seek to determine:

- whether the examination and assessment regulations have been broken;
- where the culpability lies for the breach of regulations.

8.9 If the Malpractice Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches;
- the nature of any sanction or penalty to be applied.

Making the decision

8.10 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied.

The Malpractice Committee will seek to make decisions unanimously but if necessary may decide by a majority.

8.11 The Malpractice Committee will consider, as separate issues,

- whether or not there has been malpractice; and
- if malpractice is established, whether a sanction should be applied.

8.12 When making a decision in a case the Malpractice Committee will:

identify the regulation or specification requirement which it is alleged has been broken;

establish the facts of the case. Where there are conflicting statements the decision as to whether or not there has been malpractice is made by reference to the facts as disclosed by the papers, independent of any decision on sanctions;

decide whether the facts as so established actually breach the regulations or specification requirements.

If a breach of regulations has occurred, the Malpractice Committee will establish who is responsible for this and; consider any points in mitigation;

determine an appropriate level of sanction or penalty, considering the least severe penalty first.

8.13 The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but the awarding body may decline to accept the work of the candidates in order to protect the integrity of the qualification for the majority.

8.14 In situations where a case is deferred because the Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and the individual against whom the allegation has been made.¹⁸

9. Sanctions and penalties

9.1 Awarding bodies impose sanctions and penalties on individuals and on centres responsible for malpractice in order to:

- minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaking the regulations;
- deter others from doing likewise.

9.2 Awarding bodies will normally impose sanctions and penalties to individuals found guilty of malpractice. These will usually be the candidate(s) or the responsible members of staff.

However, when malpractice is judged to be the result of a serious management failure within a department or the whole centre, the awarding body may apply sanctions against the whole department or centre.

In these cases the awarding body may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.

9.3 Awarding bodies will endeavour to protect candidates who, through no fault of their own, are caught up in a malpractice incident.

It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual candidates and it may not be possible to give those candidates a result or permit a result to be retained.

When considering the action to be taken, awarding bodies will balance responsibilities towards the rest of the cohort and the individuals caught up in the malpractice incident.

Results may also not be issued or may be revoked in cases where malpractice has occurred but it was not established clearly who was to blame.

As the integrity of the examination/assessment has potentially been undermined, the awarding body considers it would be unsafe to make awards or permit awards to be retained.

9.4 In cases where it is not reasonable or possible to determine responsibility for malpractice, and where it is clear that the integrity of the examination or assessment has been impaired in respect of an individual or individuals, the awarding body may decide not to accept the work submitted or undertaken for assessment, or may decide it would be unsafe to make awards or permit awards to be retained.

In these cases the candidate(s) may retake the examination/assessment at the next opportunity, or where the qualification permits, provide additional proof of competence.¹⁹

9.5 The awarding bodies have agreed that sanctions and penalties will be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction or penalty for a particular offence is set out in **Appendices 3 and 4**.

9.6 Awarding bodies reserve the right to apply sanctions and penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

9.7 As no assumptions can be made about the intentions underlying an individual's actions, sanctions and penalties will be based only on the evidence available.

9.8 All sanctions and penalties must be justifiable and reasonable in their scale, and consistent in their application.

9.9 If the examination is one of a series, sanctions and penalties will only apply to the series in which the offence has been committed and possible future series.

(If evidence comes to light some considerable time after the offence, a sanction or penalty may still be applied to the series in which the offence was committed and later series.)

9.10 If assessment is continuous, sanctions and penalties will only be applied to that submission and possibly future submissions.

9.11 For consistency of approach in the application of sanctions and penalties, awarding bodies will not take into account the consequential effects (for example on university applications) of any particular sanction or penalty which might arise from circumstances of the individual.

9.12 A permanent record will be kept of the effect of any sanctions or penalties on an individual's results. All other information relating to specific instances of malpractice or irregularities will be destroyed after five years.

9.13 Heads of centre should inform those individuals found guilty of malpractice that information may be passed onto other awarding bodies.

This information will typically be the names and offences of those found guilty of breaching the published regulations.²⁰

10. Sanctions and penalties for centre staff malpractice – individuals

10.1 In cases of centre staff malpractice, the primary role of the awarding body is confined to considering whether the integrity of its examinations and assessments has been placed in jeopardy.

The awarding body will consider whether that integrity might be jeopardised if an individual found to have indulged in malpractice were to be involved in the future conduct, supervision or administration of the awarding body's examinations or assessments.

10.2 It is not the role of the awarding body to be involved in any matter affecting the member of staff's or contractors contractual relationship with his/her employer or engager.

Awarding bodies recognise that employers may take a different view of an allegation to that determined by the awarding body or its Malpractice Committee.

An employer may wish to finalise its decision after the awarding body or its Malpractice Committee has reached its conclusion.

10.3 In determining the appropriate sanction or penalty, the awarding body will consider factors including:

- the potential risk to the integrity of the examination or assessment;
- the potential adverse impact on candidates;
- the number of candidates and/or centres affected; **and**
- the potential risk to those relying on the qualification (e.g. employers or members of the public).

The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence.

Ignorance of the regulations will not, by itself, be considered a mitigating factor.

10.4 **These penalties may be applied individually or in combination.**²¹

10.5 Where a member of staff or contractor has been found guilty of malpractice, an awarding body may impose the following sanctions or penalties:

1 Written warning

Issue the member of staff with a written warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

2 Training

Require the member of staff, as a condition of future involvement in its examinations and/or assessments, to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.

3 Special conditions

Impose special conditions on the future involvement in its examinations and/or assessments by the member of staff, whether this involves the internal assessment, the conduct, supervision or administration of its examinations and assessments.

4 Suspension

Bar the member of staff from all involvement in the delivery or administration of its examinations and assessments for a set period of time. Other awarding bodies and the regulators will be informed when a suspension is imposed.

10.6 These sanctions will be notified to the head of centre who will be required to ensure that they are carried out.

10.7 If a member of staff moves to another centre while being subject to a sanction, the head of centre should notify the awarding body of the move.

Awarding bodies reserve the right to inform the head of centre to which the staff member is moving to as to the nature of, and the reason for, the sanction.²²

11. Sanctions for centre staff malpractice – centres

11.1 The awarding bodies will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

Not all the sanctions are applicable to every type of qualification or circumstance.

11.2 These penalties may be applied individually or in combination.

The table in **Appendix 3** shows how the sanctions might be applied.

11.3 Awarding bodies may, at their discretion, impose the following sanctions against centres.

Sanctions

1 Written warning

A letter to the head of centre advising of the breach (including the Report) and advising of the further action that may be taken (including the application of penalties and special conditions) should there be a recurrence of this breach, or subsequent breaches at the centre.

2 Review and Report (Action Plans)

The head of centre will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment, or all examinations/assessments in general.

The head of centre will additionally be required to report back to the awarding body on improvements implemented by a set date.

Alternatively, an action plan will be agreed between the awarding body and the centre, and will need to be implemented as a condition of continuing to accept entries or registrations from the centre.

3 Approval of specific assessment tasks

The approval by the awarding body of specific assessment tasks in situations where these are normally left to the discretion of the centre.²³

4 Additional monitoring or inspection

The awarding body may increase, at the centre's expense, the normal level of monitoring that takes place in relation to the qualification(s).

Alternatively, the JCQ Centre Inspection Service may be notified of the breach of regulations and may randomly, without prior warning, inspect the centre over and above the normal schedule for inspections.

(The JCQ Centre Inspection Service operates in relation to general qualifications and examined vocational qualifications.)

5 Removal of Direct Claims Status

Direct claims status may be removed from the centre in which case all claims for certification must be authorised by the centre's external verifier.

(This sanction applies only to NVQs and similarly assessed and verified qualifications.)

6 Restrictions on Examination and Assessment Materials

For a specified period of time a centre will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used.

These papers will be opened and distributed under the supervision of the awarding body officer (or appointed agent) responsible for the delivery.

The centre might also be required to hand over to an awarding body officer (or appointed agent) the completed scripts and any relevant accompanying documentation, as opposed to using the normal script collection or posting procedures.

These measures may be applied for selected subjects or all subjects.

7 Independent Invigilators

The appointment for a specified period of time, at the centre's expense, of independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the regulations.

8 Suspension of candidate registrations or entries

An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to accept candidate entries or registrations from a centre.

This may be applied for selected subjects/occupational areas or all subjects/occupational areas. 24

9 Suspension of certification

An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to issue certificates to candidates from a centre.

(This applies to NVQs and similar types of qualifications only.)

10 Withdrawal of approval for a specific qualification(s)

An awarding body may withdraw the approval of a centre to offer one or more qualifications issued by that awarding body.

11 Withdrawal of centre recognition

The awarding body may withdraw recognition or approval for the centre.

This means as a result that the centre will not be able to deliver or offer the students the respective awarding body's qualifications.

The regulators and other awarding bodies will be informed of this action.

At the time of withdrawal of centre recognition a centre will be informed of the earliest date at which it can reapply for registration and any measures it will need to take prior to this application.

Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.

11.4 Any expense incurred in ensuring compliance with the penalties and/or special conditions must be borne by the centre.

11.5 If the head of centre leaves whilst the centre is subject to any sanctions or special measures, the awarding body will, if approached to do so, review the need for the continuation of these measures with the new head of centre.²⁵

12. Sanctions and penalties applied against candidates

12.1 The awarding bodies will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

12.2 These penalties may be applied individually or in combination.

The table in **Appendix 4** shows how the sanctions and penalties might be applied.

12.3 Awarding bodies may, at their discretion, impose the following sanctions against candidates.

1 Warning

The candidate is issued with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

2 Loss of marks for a section

The candidate loses all the marks gained for a discrete section of the work.

A section may be part of a component, or a single piece of coursework if this consists of several items.

3 Loss of marks for a component

The candidate loses all the marks gained for a component.

A component is more often a feature of linear qualifications than a unitised qualification, and so this penalty can be regarded as an alternative to penalty 4.

Some units also have components, in which case a level of penalty between numbers 2 and 4 is possible.

4 Loss of all marks for a unit

The candidate loses all the marks gained for a unit.

This penalty can only be applied to qualifications which are unitised.

For linear qualifications, the option is penalty 3.

This penalty usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.

5 Disqualification from a unit

The candidate is disqualified from the unit.

This penalty is only available if the qualification is unitised.

For linear qualifications the option is penalty 7.

The effect of this penalty is to prevent the candidate aggregating or requesting certification in that series, if the candidate has applied for it.²⁶

6 Disqualification from all units in one or more qualifications

If circumstances suggest, penalty 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous exam series are retained.)

This penalty is only available if the qualification is unitised.

For linear qualifications the option is penalty 8.

7 Disqualification from a whole qualification

The candidate is disqualified from the whole qualification taken in that series or academic year.

This penalty can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost.

If a candidate has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.

8 Disqualification from all qualifications taken in that series

If circumstances suggest, penalty 7 may be applied to other qualifications.

This penalty can be applied to unitised qualifications only if the candidate has requested aggregation.

Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost.

If a candidate has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.

9 Candidate debarral

The candidate is barred from entering for one or more examinations for a set period of time. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

12.4 Unless a penalty is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification, may retake the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

12.5 Candidates in England are not able to retake individual GCSE units at a later series.

They will have to retake the whole subject, carrying forward the controlled assessment mark. This means that in these cases, candidates will generally have a twelve month wait for an opportunity to retake the examination.

12.6 Heads of centre may wish to take further action themselves in cases of candidate malpractice.²⁷

13. Communicating decisions

13.1 Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible.

It is the responsibility of the head of centre to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

13.2 The majority of cases of malpractice are confidential between the individual centre and the awarding body. However, in cases of serious malpractice, where the threat to the integrity of the examination or assessment is such as to outweigh a duty of confidentiality, it will normally be necessary for information to be exchanged amongst the regulators and the awarding bodies.

13.3 In accordance with the requirements of the GCSE, GCE, Principal Learning and Project Code of Practice, regulatory arrangements for the Qualifications and Credit Framework and the General Conditions of Recognition, the awarding body will report cases of centre staff malpractice to the regulators if the circumstances of the case are likely to meet the definition of an adverse effect as defined in Condition B3.2 of the General Conditions of Recognition.

This will include details of the action taken by the head of centre, the governing body or the responsible employer. Other awarding bodies will also be informed.

13.4 In serious cases of centre staff malpractice, the awarding bodies reserve the right to share information with professional bodies such as the Teaching Agency.

13.5 It is the responsibility of the head of centre to inform the accused individual that the awarding body may share information in accordance with paragraphs 13.2, 13.3 and 13.4.28

14 Appeals

14.1 The awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions.

The following individuals have a right to appeal against decisions of the Malpractice Committee or officers acting on its behalf.

- Heads of centre, who may appeal against sanctions imposed on the centre or on centre staff, as well as on behalf of candidates entered or registered through the centre.
- Members of centre staff, or examining personnel contracted to a centre, who may appeal against sanctions imposed on them personally.
- Private candidates.
- Third parties who have been barred from examinations or assessments of the awarding body.

14.2 Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions.

14.3 Further information may be found in the JCQ publication A guide to the awarding bodies' appeals processes - <http://www.jcq.org.uk/exams-office/appeals>

This booklet provides details of the awarding bodies' appeals processes.

15 : Artificial Intelligence

[AI-Use-in-Assessments Feb24 v6.pdf \(jqc.org.uk\)](#)

- As has always been the case, and in accordance with section 5.3(k) of the JCQ General Regulations for Approved Centres (<https://www.jcq.org.uk/exams-office/general-regulations/>), teachers and assessors must only accept work for qualification assessments which is the students' own;
- Students who misuse AI such that the work they submit for assessment is not their own will have committed malpractice, in accordance with JCQ regulations, and may attract severe sanctions; • Students and centre staff must be aware of the risks of using AI and must be clear on what constitutes malpractice;
- Students must make sure that work submitted for assessment is demonstrably their own. If any sections of their work are reproduced directly from AI generated responses, those elements must be identified by the student and they must understand that this will not allow them to demonstrate that they have independently met the marking criteria and therefore will not be rewarded (please see the Acknowledging AI use and AI use and marking sections below and Appendix B: Exemplification of AI use in marking student work at the end of this document); and
- Where teachers have doubts about the authenticity of student work submitted for assessment (for example, they suspect that parts of it have been generated by AI but this has not been acknowledged), they must investigate and take appropriate action.

Malpractice by a candidate in a controlled assessment, coursework or non-examination assessment component discovered prior to the candidate signing the declaration of authentication need not be reported to the awarding body, but must be dealt with in accordance with the centre's internal procedures. The only exception to this is where the awarding body's confidential assessment material has been breached. The breach must be reported to the awarding body.

If a candidate has not been entered with an awarding body for the component, unit or qualification, malpractice discovered in controlled assessment, coursework or non-examination assessment 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.