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**Malpractice Policy**

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**Written by:** Exams officer

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**This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedures.**

**Reference in the policy to GR and SMPP relate to relevant sections of the current JCQ publications General Regulations for Approved Centres and Suspected Malpractice: Policies and Procedures.**

**Key Contacts**

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# Introduction

## What is malpractice and maladministration?

1. ‘Malpractice’ and ‘maladministration’ are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. This policy and procedure uses the word ‘malpractice’ to cover both ‘malpractice’ and ‘maladministration’ and it means any act, default or practice which is:
	* a breach of the Regulations
	* a breach of awarding body requirements regarding how a qualification should be delivered
	* a failure to follow established procedures in relation to a qualification, which:
	* gives rise to prejudice to candidates
	* compromises public confidence in qualifications compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
	* damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre (SMPP 1)

## Candidate malpractice

1. ‘Candidate malpractice’ means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper (SMPP 2).

## Centre staff malpractice

1. 'Centre staff malpractice’ means malpractice committed by: a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe (SMPP 2).

## Suspected malpractice

1. For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (SMPP 2).

# Purpose of this policy

1. To confirm Cairn Education has in place a written malpractice policy which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body (GR 5.3).

# General Principles

In accordance with the regulations Cairn Education will:

1. Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11).
2. Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation (GR 5.11).
3. As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication Suspected Malpractice - Policies and Procedures and provide such information and advice as the awarding body may reasonably require (GR 5.11).

# Preventing Malpractice

1. Cairn Education has in place: robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication Suspected Malpractice: Policies and Procedures (SMPP 4.3).
2. This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance: General Regulations for Approved Centres 2023-2024; Instructions for conducting examinations (ICE) 2023-2024; Instructions for conducting coursework 2023-2024; Instructions for conducting non-examination assessments 2023-2024; Access Arrangements and Reasonable Adjustments 2023-2024; A guide to the special consideration process 2023-2024; Suspected Malpractice: Policies and Procedures 2023- 2024; Plagiarism in Assessments; AI Use in Assessments: Protecting the Integrity of Qualifications; A guide to the awarding bodies’ appeals processes 2023-2024 (SMPP 3.3.1).

# Informing and advising candidates

**Exam officer to:**

1. Ensure all JCQ notices, e.g. Information for candidates, nonexamination assessments, coursework, on-screen tests, written examinations, social media, plagiarism are distributed to candidates prior to assessments/examinations taking place.
2. Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.
3. Ensure that candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice. Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.
4. Ensure that candidates involved in examination clash arrangements are aware of appropriate behaviour during supervision, i.e. ensuring that candidates cannot pass on or receive information about the content of assessments, thereby, committing candidate malpractice.
5. Ensure that candidates completing coursework or non-examination assessments are aware of the need for the work to be their own.
6. Ensure candidates understand the role of AI and Malpractice and all staff have read and have an understanding of JCQ documentation ‘AI Use in Assessments: Protecting the Integrity of Qualifications’ (2024). Using AI, for example, ChatGPT to generate or modify content to evade plagiarism detection is deemed as malpractice. Work submitted for assessment must be the student's own efforts and must be their own work. Examples of AI misuse include:
	* copying or paraphrasing sections of AI-generated content so that the work is no longer the student’s own
	* copying or paraphrasing whole responses of AI-generated content
	* using AI to complete parts of an assessment so that the work does not reflect the student’s own work, analysis, evaluation, or calculations
	* failing to acknowledge and reference the use of AI tools when they have been used as a source of information
	* submitting work with intentionally incomplete or misleading references or bibliographies.
7. Ensure teaching staff educate candidates on how to correctly reference if they have used AI within their work. If a candidate uses an AI tool which provides details of the sources it has used in generating content, these sources must be verified by the candidate and referenced in their work in the normal way. Where an AI tool does not provide such details, candidates should ensure that they independently verify the AI-generated content – and then reference the sources they have used.
8. In addition to the above, where candidates use AI, they must acknowledge its use and show clearly how they have used it. This allows teachers and assessors to review how AI has been used and whether that use was appropriate in the context of the particular assessment. This is particularly important given that AI-generated content is not subject to the same academic scrutiny as other published sources. Where AI tools have been used as a source of information, a candidate’s acknowledgement must show the name of the AI source used and should show the date the content was generated.
9. The exam officer must inform invigilators through the training process the actions which would constitute invigilator malpractice, including:
* directing candidates to particular questions or particular sections of the question paper;
* making any comment where a candidate believes that there is an error or omission on the question paper. The invigilator must however, refer the matter immediately to the exams officer. The exams officer will then verify the error or omission with the relevant subject teacher before reporting the matter to the awarding body;
* give any information to candidates about possible mistakes in the question paper, unless there is an erratum notice or permission has been given by the awarding body;
* comment on the content of the question paper;
* read a word or words printed on the question paper to a candidate, other than the instructions on the front cover;
* re-phrase a question for a candidate;
* explain any subject-specific or technical terms to a candidate;
* offer any advice or comment on the work of a candidate;
* give any indication of the time elapsed or remaining unless the candidate has been awarded a prompter. This also extends to where a question paper consists of distinct sections (a five minute warning to candidates may only be given at the end of the examination).

# Identification and reporting of malpractice

1. Once suspected malpractice is identified, any member of staff at the centre can report it to the head of centre.
2. The head of centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication Suspected Malpractice: Policies and Procedures (SMPP 4.1.3). In such circumstances centres must refer to JCQ Suspected Malpractice Policies and Procedures: <https://www.jcq.org.uk/wp-content/uploads/2024/08/Malpractice_Sep24_FINAL.pdf>
3. The head of centre will ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate’s parent/carer/ appropriate adult is kept informed of the progress of the investigation (SMPP 4.1.3).
4. Form JCQ/M1 will be used to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration (SMPP 4.4, 4.6).
5. Malpractice by a candidate discovered in a controlled assessment, coursework or non- examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will 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 potentially been breached. The breach will be reported to the awarding body immediately (SMPP 4.5).
6. If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of accused individuals (SMPP 5.33).
7. Once the information gathering has concluded, the head of centre (or other appointed information gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (5.35).
8. Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.37).
9. The awarding body will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly (SMPP 5.40).

# Communicating malpractice decisions

1. Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible. The head of centre will communicate the decision to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The head of centre will also inform the individuals if they have the right to appeal. (SMPP 11.1).

# Appeals against decisions made in cases of malpractice

1. Cairn Education will provide the individual with information on the process and timeframe for submitting an appeal, where relevant, and refer to further information and follow the process provided in the JCQ publication ‘A guide to the awarding bodies appeals processes’.