

Malpractice Policy

Sept 2021

Version 1

1. Scope

This policy applies to all staff at Expanse Learning.

2. Introduction

Expanse Learning is committed to pursuing the highest standards of probity and the elimination of malpractice in the management of our organisation and aims to promote accountability and a climate of openness, to encourage the disclosure of allegations of malpractice.

Information contained within this documentation applies to all staff/students/individuals involved with the Expanse Learning. Arrangements in place offer individuals a safe and accessible procedure for reporting allegations of malpractice in a confidential manner, on the basis that the Expanse Learning will take appropriate steps to ensure that individuals reporting allegations of malpractice are not penalised and are protected and that individuals accused will be protected against false, malicious or anonymous accusations. Expanse Learning is keen to encourage staff/students/individuals to report allegations without fear and will ensure that any disclosure is treated with the utmost confidentiality.

Withholding information or failing to report promptly any suspected cases of malpractice or non-compliance by staff and/or students may result in the imposition of sanctions/penalties on Expanse Learning, with a possible outcome being the suspension of certification/registration or even recognised centre status.

This document:

- 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 students 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 arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment
- some incidents come about because of ignorance of the regulations, carelessness or forgetfulness in applying the regulations
- some occur because 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:

- students
- teachers, 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/guardians, siblings, friends of the student.

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

This document provides 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.

3. Definitions

In this document the expressions used have the following respective meanings:

- **Regulator** – An organisation designated by government to establish national standards for qualifications and to secure compliance with them.
- **Centre** – Expanse Learning
- **Head of Centre** – The “head of centre” is the most senior operational officer in the organisation.
- **Practical Assistant** – A “practical assistant” is a person who is appointed (according to the awarding body regulations) by a centre or the student, to carry out practical tasks at the instruction of a student who has particular needs in accessing assessment.

- **Qualifications** – “Qualifications” means a statement of accomplishment following an examination or assessment.
- **Examinations and assessments** – “Examinations and assessments” mean any written or practical activity set according to the awarding body’s specifications, or any achievement measured against national standards, which contributes to the award of a qualification.
- **Regulations** – "Regulations" means the guidance and the regulations relating to the provision of access arrangements and the conduct of coursework, portfolios and examinations. The regulations are based upon and encompass fully the requirements of the Regulators of external qualifications in England, Wales and Northern Ireland as found in the GCSE, GCE, GNVQ and AEA Code of Practice, the NVQ Code of Practice, and the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland.
- **Malpractice** – "Malpractice" means any act, default or practice which is a breach of the Regulations or which:
 - compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of an examination result or certificate and/or
 - damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

A failure by a centre to investigate allegations of suspected malpractice in accordance with the requirements in this document also constitutes malpractice.

- **Centre Staff Malpractice** – "Centre Staff Malpractice" means malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services) at a centre, or an individual appointed as an oral language modifier, a practical assistant, a prompter, a reader, a sign interpreter, or a scribe to a student.

Examples of Centre Staff Malpractice are set out in Appendix 1, Part 1. The examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

- **Student Malpractice** – "Student Malpractice" means malpractice by a student during any examination or assessment, including the preparation and authentication of any coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper.

Examples of Student Malpractice are set out in Appendix 1, Part 2. The examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be considered by the awarding bodies at their discretion.

4. Individual responsibilities

The Statutory Regulation of External Qualifications states that awarding bodies “must conduct a full investigation of instances of alleged or suspected malpractice, and must take such action, with respect to the students and centres concerned, as is necessary to maintain the integrity of the qualification.” In accordance with this requirement, awarding bodies 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, penalties and special conditions listed in this document in cases of proven malpractice
- report the matter to the regulators if they find evidence that certificates may be invalid
- report the matter to the police if a proven malpractice involved the commission of a criminal act.

Investigations will normally be carried out by the head of centre acting on behalf of the awarding body. Investigations into allegations of alleged malpractice or irregularities against the head of a centre may be carried out by the awarding body directly (acting individually or in conjunction with the regulators), or another Director or Senior Manager of the centre and reported to the awarding body when completed.

Awarding bodies may use their own personnel to investigate cases involving a breach or suspected breach of security (i.e. the content of examination materials becomes known before the scheduled date of the exam). 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.

Heads of centres must:

- report to the appropriate awarding body at the earliest opportunity all suspicions or actual incidents of malpractice. The only exception to this is malpractice discovered in coursework before the authentication forms have been signed by the student.
- 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, as this is in the best interests of centre staff, students 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 students 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 to ensure compliance with any requests made by the awarding body because of a malpractice case.

5. Procedures for dealing with allegations of malpractice

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

- The allegation (section 6)
- The awarding body's response (section 7)
- The investigation (section 8)
- The report (section 9)
- The decision (section 10)
- The appeal (section 16)

Communications

The head of centre will be the point of contact with the awarding body when reporting allegations of malpractice, except when the head of centre is under investigation.

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.

Awarding bodies will only communicate directly with a student or the student's representative when either the student is a private student or the awarding body has chosen to communicate directly with the students because of the circumstances of the case (e.g. there is a contradiction in the evidence provided by the student 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 students. A head of centre once advised by the awarding body should not ordinarily communicate further with the students.

6. The allegation

Suspected malpractice identified by examiners, moderators and verifiers

Examiners, moderators and external verifiers who suspect malpractice in an examination or assessment must report this suspicion immediately to the relevant awarding body 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.

Suspected malpractice identified by a staff member

Where suspected malpractice is identified by a staff member, this information should be passed on to the head of centre. If the head of centre is suspected of malpractice, then the information should be passed on to another Director or Senior Manager at the Centre

The head of centre (or if the head of centre is suspected of malpractice, then another Director or Senior Manager at the Centre) must submit the fullest details of the case at the earliest opportunity to the relevant awarding body. The form JCQ/M1 should be used; copies can be found on the Joint Council website, (www.jcq.org.uk/).

If the suspected malpractice involves a member of staff, then the matter should be dealt with following the Centre's Disciplinary Procedure.

Malpractice reported by others

Allegations of malpractice are sometimes reported to awarding bodies by employers, centre staff, students, and members of the public. Sometimes these reports are anonymous.

Awarding bodies are aware that the reporting of malpractice by a member of staff or Student can potentially cause a difficult situation in the workplace or centre and will therefore protect the identity of the informant if this is asked for when a report is made.

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 further.

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

In the case of reports of suspected malpractice received from examiners, moderators, external verifiers or members of the public, the awarding body will normally inform the head of centre of alleged malpractice, and either:

- 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.

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.

On receipt of a report of suspected malpractice submitted by a head of centre the awarding body will consider the report and decide either:

- to take no further action
- to make a decision on the case in accordance with the procedures (**see sections 10 to 15**)
- to ask the head of centre to carry out a further investigation as described in **sections 8** and provide further evidence
- to investigate the matter further itself.

8. The investigation

Investigations carried out by the head of centre

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 seek to deal with the investigation in a timely manner. The Head of centre is referred to **section 3** of this document for their responsibilities.

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.

Heads of centres should consider that both staff and students can be responsible for malpractice. For this reason, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. Conflicts of interest which arise in this situation may compromise the investigation.

The centre must provide 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 7 under Rights of the accused individuals**.

When the head of centre deems it necessary to interview a student or member of staff in connection with an alleged malpractice, the interviews must be conducted as set out below:

Notification of a hearing

The Centre will give the accused individual written notice of the date, time and place of the interview. The interview will be held as soon as reasonably practicable, but the accused individual will be given a reasonable amount of time, usually two to seven days, to prepare their case.

The right to be accompanied; the accused individual may bring a companion to the interview. If the accused individual is a

member of staff, they may bring a trade union representative or a colleague. If the accused individual is a student, they may bring a parent, guardian or carer (if the accused individual is a minor then they must be accompanied by a parent, guardian or carer). The accused must tell the head of centre who their chosen companion is, in good time before the interview.

If the companion is a member of staff, they are allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If the choice of companion is unreasonable the Centre may ask the accused individual to choose someone else, for example:

- if the companion may have a conflict of interest or may prejudice the interview; or
- if the companion is unavailable at the time the interview is scheduled and will not be available for more than five working days afterwards.

The Centre, at their discretion, may allow an accused individual to bring a companion who is not a colleague, union representative in the case of staff members or a parent, guardian, or carer in the case of students if this will help the accused overcome a disability, or if they have difficulty understanding English.

Procedure at the Interview

If the accused individual cannot attend the interview, they should inform the Centre immediately and an alternative time can be arranged. If the accused individual fails to attend without good reason or are persistently unable to do so (for example for health reasons), then the Centre may have to take a decision based on the available evidence.

At the interview the head of centre will go through the allegations against the accused individual and the evidence that has been gathered. The accused individual will be able to respond and present any evidence of their own. A companion may make representations to the head of centre and ask questions but should not answer questions on the accused individual's behalf. The accused individual may confer privately with their companion at any time during the interview.

Either party may ask relevant witnesses to appear at the interview, provided they have given sufficient advance notice to the other party.

The head of centre may adjourn the interview if they need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the interview. The accused individual will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

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, the other parties should be informed beforehand to give them the opportunity to be similarly supported. 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.

Investigations carried out by the awarding body

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

An awarding body will not normally withhold from heads of centre any evidence pertinent to cases of suspected malpractice. However, it may do so in such an instance as outlined in **section 6**. In all such cases, the awarding body will provide summaries of evidence and a statement as to why the evidence itself cannot be presented in its original form.

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

Sometimes it is necessary for the awarding body to interview a student during an investigation. If the student is a minor, 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 student's parents/guardian/carer or with the permission of the head of centre or parent/guardian/carer. If the student is an adult, this qualification does not apply.

Interviews may also be conducted over the telephone.

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).

If the individual being interviewed wishes to be accompanied by a legal advisor, the other parties should 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.

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

Rights of the accused individuals

When an incident of suspected malpractice is reported to the awarding body, or on receipt of a report from the awarding body, an individual, whether a student or a member of staff, accused of malpractice must:

- be informed (preferably in writing) of the allegation made against him or her
- 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
- 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.

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.

Full details of an awarding body's appeals procedures will be sent to heads of centre involved in appeals. **(See section 16)**

The conduct of an accused Student or member of staff in other examinations or assessments should not be considered unless there is an established, clearly evidenced, repeated pattern of behaviour.

9. The report

After investigating any complaint or allegation of malpractice the head of centre must submit a full written report of the case to the relevant awarding body.

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 student(s).
- any mitigating factors (e.g. relevant medical reports).
- information about the centre's procedures for advising students of the awarding bodies' regulations.
- seating plans.
- unauthorised material found in the examination room.
- any work of the student and any associated material (e.g. source material for coursework) which is relevant to the investigation.

The form JCQ/M1, or a similar form provided by the relevant awarding body, should be used as the basis of the report. Reports in letter format will be accepted providing the information given covers the same points as the form.

10. The Decision

The Malpractice Committee

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, or this function may be allocated to a named member or members of staff. In this document the committee (or awarding body personnel responsible for

dealing with malpractice) is referred to as the "Malpractice Committee".

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.

Making the decision – overview

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.

The Malpractice Committee will also seek to determine:

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

The Malpractice 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 penalty to be applied.

Making the decision

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. 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.

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 breach the regulations or specification requirements.
- if a breach of regulations has occurred, establish who is responsible for this.
- determine an appropriate level of sanction or penalty.

The Malpractice Committee must be satisfied on the balance of probabilities that the allegation is substantiated. It is possible that the evidence in some cases may be inconclusive, but the awarding body may decline to accept the work of the students to protect the integrity of the qualification for the majority.

11. Sanctions and Penalties

Awarding bodies impose sanctions and penalties on individuals and on centres found guilty of malpractice.

When the malpractice is judged to be the result of a serious management failure in 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 students who might otherwise be adversely affected.

Awarding bodies will endeavour to protect students 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 students and it may not be possible to give those students a result. 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 if the case is inconclusive, that is, there is evidence of

malpractice but it cannot be proved who was to blame; or if the case so damages the centre's reputation that the awarding body considers it would be unsafe to make awards.

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

The awarding bodies have agreed that sanctions and penalties are not to be applied to offences according to a fixed scale, but are to be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors.

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

As no assumptions can be made on intended actions, penalties will be based only on the evidence presented.

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

If the examination is one of a series, 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 penalty may still be applied to the series in which the offence was committed and later series.)

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

For reasons of consistency of approach in the application of penalties, awarding bodies will not take into account the consequential effects (for example on university applications) of any particular penalty which might arise from circumstances of the individual. A permanent record will be kept of the effect of any penalties on an individual's results. All other information relating to specific instances of malpractice or irregularities will be destroyed after five years.

12. Sanctions for centre staff malpractice – individuals

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

In addition to the sanctions or penalties that the awarding body may impose, the Centre may:

- exclusion from the delivery of the qualification
- exclusion from the assessment of the qualification
- exclusion from the internal verification/moderation of the qualification
- exclusion from the financial/quality management/administration of the qualification
- temporary suspension
- work only under supervision
- undertake specific training
- a penalty under the Centre's Disciplinary Procedure

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

- **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.
- **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.

- **Training** – Require the member of staff, as a condition of future involvement in its examinations, to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.
- **Suspension** – Bar the member of staff from all involvement in the delivery 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.

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

If a member of staff moves to another centre while being subject to one of the above sanctions, 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 of the nature of, and the reason for, the sanction.

13. Sanctions for centre staff malpractice – centres

Awarding bodies may, at their discretion, impose the following penalties and special conditions against centres. These penalties and special conditions may be applied individually or in combination. Awarding bodies will determine the appropriateness of a sanction depending on the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions are applicable to all types of qualification.

- **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.
- **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, and 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 from the centre.
- **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.
- **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.)
- **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.)
- **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.
- **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.
- **Suspension of Student registrations or entries** – An awarding body may, for a period, or until a specific matter has been rectified, refuse to accept student entries or registrations from a centre. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.
- **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 students from a centre. (This applies to NVQs and similar types of qualifications only.)
- **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.
- **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. 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.

14. Sanctions and penalties applied against students

Awarding bodies may, at their discretion, impose the following sanctions and penalties against students found guilty of Student malpractice.

- **Penalty 1 – Warning** – The student is issued with a warning that if the offence is repeated within a set period, further specified sanctions will be applied.
- **Penalty 2 - Loss of marks for a section** – The student 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.
- **Penalty 3 - Loss of marks for a component** – The student 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.
- **Penalty 4 - Loss of all marks for a unit** – The student 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 student to aggregate or request certification in that series, albeit with a reduced mark or grade.
- **Penalty 5 - Disqualification from a unit** – The student 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 student aggregating or requesting certification in that series if the student has applied for it.
- **Penalty 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.
- **Penalty 7 - Disqualification from a whole qualification** – The student is disqualified from the whole qualification taken in that series or academic year. This penalty can be applied to unitised qualifications only if the student 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 student has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.
- **Penalty 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 student 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 student has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.
- **Penalty 9 - Student debarred** – The student 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.

In applying sanctions and penalties awarding bodies shall take into account that not all of the above penalties set out in above may be appropriate to every type of qualification or circumstance.

Unless a penalty is accompanied by a bar on future entry, all students 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.

In linear GCSE qualifications students are not generally able to retake only a component at a later series. They can, however, retake the whole subject, carrying forward the coursework mark. This means that in these cases, students will generally have a twelve month wait for an opportunity to retake the examination.

Heads of centre may wish to take further action themselves in cases of Student Malpractice.

15. Communicating decisions

Heads of centre will be informed of decisions in writing as soon as possible after decisions are made. 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.

The majority of cases of malpractice are confidential between the individual centre and the awarding body, but 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.

In accordance with the requirements of the GCSE, GCE, GNVQ and AEA Code of Practice, the NVQ Code of Practice, and the Arrangements for the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland, the awarding body will submit a report on cases of centre staff malpractice, together with details of the action taken by the head of centre, the governing body or the responsible employer to the regulators if the awarding body decides that the circumstances of the case are sufficiently serious to warrant such reports being made. The report may also be made available to other awarding bodies.

16. Appeals

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, as well as on behalf of students 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 students.
- Third parties who have been barred from examinations of the awarding body.

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

Further information may be found in individual awarding body publications.

17. Monitoring arrangements

This policy will be reviewed every 12 months but can be revised as needed

Impact of non-compliance:

Staff:	Disciplinary action, prosecution, prohibition from teaching.
Student:	Disqualification
Legislation/organisational:	Reputational damage, litigation, statutory and non-regulated compliance. prosecution
Compliance lead:	Quality
Policy Reference:	ELGR-POL-ORG-012
Version:	1
Agreed policy location:	DatabridgeMIS and Company Website
Does the policy require Governor approval?	No

Approval

Prepared by Karl Wane 01/09/2021  Director of Post 16 Education	Approved by Tony Brown 01/09/2021  CEO	Counter Signatory Richard King 01/09/2021  Director of Schools, Pre 16 Education
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Version Control

Version	Date	Revision	Review Date
1	01/09/2021	Policy review	31/08/2022
2			
3			
4			
5			