

# Malpractice Policy

Expansive Learning College

November 2022

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Version 3

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## 1. Scope

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This policy applies to all staff at Expanse Learning College.

***This policy should be read in conjunction with other related policies including:***

- *JCQ's Suspected Malpractice in Examinations and Assessments Policy*

***and the appropriate Malpractice Forms submitted as appropriate and within any timescales contained therein.***

The College treats all cases of suspected malpractice very seriously and will investigate all suspected and reported incidents of possible malpractice. The purpose of this Policy *[and Procedure]* is to set out how allegations of malpractice in relation to all qualifications are dealt with.

The scope of the policy is to provide:

- A definition of malpractice
- Examples of student and college malpractice and maladministration
- Possible sanctions that may be imposed in cases of malpractice

The term 'malpractice' in this policy is used for both malpractice and maladministration.

## 2. Introduction

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For the purpose of this document 'malpractice' is defined as:

- Any act, or failure to act, that threatens or compromises the integrity of the assessment process or the validity of qualifications and their certification.

This includes:

- maladministration and the failure to maintain appropriate records or systems; the deliberate falsification of records or documents for any reason connected to the award of qualifications; acts of plagiarism or other academic misconduct; and/or actions that compromise the reputation or authority of Expanse Learning Wigan School, its officers and employees.

The College will report all relevant cases of suspected malpractice to Awarding Bodies, accepting that in certain circumstances Awarding Bodies may take action of its own, including imposing sanctions.

## 2. Malpractice by students

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Some examples of student malpractice are described below. These examples are not exhaustive and all incidents of suspected malpractice, whether or not described below, will be fully investigated, where there are sufficient grounds to do so:

- Obtaining examination or assessment material without authorisation.
- Arranging for an individual other than the student to sit an assessment or to submit an assignment not undertaken by the student.
- Impersonating another student to sit an assessment or to submit an assignment on their behalf.
- Collaborating with another student or individual, by any means, to complete a coursework assignment or assessment, unless it has been clearly stated that such collaboration is permitted.
- Damaging another student's work.
- Inclusion of inappropriate or offensive material in controlled assessment scripts.
- Failure to comply with published awarding bodies' examination regulations.
- Disruptive behaviour or unacceptable conduct, including the use of offensive language, at the school or other linked assessment venue (including aggressive or offensive language or behaviour).
- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
  - Personal identification;
  - Supporting evidence provided for reasonable adjustment or special consideration applications;
  - Awarding bodies results documentation, including certificates.
- Falsely obtaining, by any means, an awarding bodies' certificate.
- Misrepresentation or plagiarism.
- Fraudulent claims for special consideration while studying.

- Possession of any materials not permitted in the assessment room, regardless of whether or not they are relevant to the assessment, or whether or not the student refers to them during the assessment process, for example notes, blank paper, electronic devices including mobile phones, smart watches, personal organisers, books, dictionaries / calculators (when prohibited).
- Communicating in any form, for example verbally or electronically, with other students in the assessment room when it is prohibited.
- Copying the work of another student or knowingly allowing another student to copy from their own work.
- Failure to comply with instructions given by the assessment invigilator, including but not limited to:
  - working beyond the allocated time;
  - refusing to hand in assessment script / paper when requested
  - not adhering to warnings relating to conduct during the assessment.

### **3. Malpractice by College employees and stakeholders**

Examples of malpractice by, teachers, tutors and other officers, (*including, where the centre is also an examination centre, invigilators and examination administrators*) are listed below. These examples are not exhaustive and all incidents of suspected malpractice, whether or not described below, will be fully investigated, where there are sufficient grounds to do so:

- Failure to adhere to the relevant awarding bodies' regulations and procedures, including those relating to centre approval, security undertaking and monitoring requirements as set out by awarding bodies.
- Knowingly allowing an individual to impersonate a student.
- Allowing a student to copy another student's assignment work or allowing a student to let their own work be copied.
- Allowing students to work collaboratively during an assessment, unless specified in the assignment brief
- Completing an assessed assignment for a student or providing them with assistance beyond that 'normally' expected.
- Damaging a student's work.
- Disruptive behaviour or unacceptable conduct, including the use of offensive language (including aggressive or offensive language or behaviour).
- Allowing disruptive behaviour or unacceptable conduct at the centre to go unchallenged, for example, aggressive or offensive language or behaviour.
- Divulging any information relating to student performance and / or results to anyone other than the student.
- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
  - Personal identification
  - Supporting evidence provided for reasonable adjustment or special consideration applications; and
  - Awarding Bodies results documentation, including certificates.
  - Falsely obtaining by any means an awarding body certificate.
  - Failing to report a suspected case of student malpractice, including plagiarism, to awarding bodies.
  - Moving the time or date of a fixed examination.
  - Failure to keep examination question papers, examination scripts or other assessment materials secure, before during or after an examination.
  - Allowing a student to possess and / or use material or electronic devices that are not permitted in the examination room.
  - Allowing students to communicate by any means during an examination in breach of regulations.
  - Allowing a student to work beyond the allotted examination time.
  - Leaving students unsupervised during an examination.
  - Assisting or prompting candidates with the production of answers.

### **4. Possible malpractice sanctions**

Following an investigation, if a case of malpractice is upheld, The College may impose sanctions or other penalties on the individual(s) concerned. Where relevant we will report the matter to awarding bodies and awarding bodies may impose one or more sanctions upon the individual(s) concerned. Any sanctions imposed will reflect the seriousness of the malpractice that has occurred.

Listed below are examples of sanctions that may be applied to a student, or to a teacher, tutor, invigilator or other officer who has had a case of malpractice upheld against them. Please note that:

- This list is not exhaustive and other sanctions may be applied on a case-by-case basis.
- Where the malpractice affects examination performance, awarding bodies may impose sanctions of its own.

**Possible centre sanctions that may be applied to students:**

- A written warning about future conduct.
- Notification to an employer, regulator or the police.
- Removal from the course.

**Possible sanctions that may be applied to teachers, tutors' invigilators, and other officers:**

- A written warning about future conduct.
- Imposition of special conditions for the future involvement of the individual(s) in the conduct, teaching, supervision or administration of students and/or examinations
- Informing any other organisation known to employ the individual in relation to awarding body courses or examinations of the outcome of the case
- The College may carry out unannounced monitoring of the working practices of the individual(s) concerned.
- Dismissal.

**5. Reporting a suspected case of malpractice**

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This process applies to, teachers, invigilators students and other centre staff, and to any reporting of malpractice by a third party or individual who wishes to remain anonymous.

Any case of suspected malpractice should be reported in the first instance to the Exams Officer.

A written report should then be sent clearly identifying the factual information, including statements from other individuals involved and / or affected, any evidence obtained, and the actions that have been taken in relation to the incident.

Suspected malpractice must be reported as soon as possible and at the latest within two working days from its discovery. Where the suspected malpractice has taken place in an examination, the incident be reported urgently, and the appropriate steps taken as specified by awarding bodies.

Wherever possible, and provided other students are not disrupted by doing so, a student suspected of malpractice should be warned immediately that their actions may constitute malpractice, and that a report will be made to the centre.

In cases of suspected malpractice by the College teachers, invigilators and other officers, and any reporting of malpractice by a third party or individual who wishes to remain anonymous and should include as much information as possible, including the following:

- The date time and place the alleged malpractice took place, if known. b) The name of the teacher, invigilator or other person(s) involved
- A description of the suspected malpractice
- Any available supporting evidence.

In cases of suspected malpractice reported by a third party, or an individual who wishes to remain anonymous, the College will take all reasonable steps to authenticate the reported information and to investigate the alleged malpractice.

**6. Administering suspected cases of malpractice**

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The College will investigate each case of suspected or reported malpractice relating to Awarding Body qualifications, to ascertain whether malpractice has occurred. The investigation will aim to establish the full facts and circumstances. We will promptly take all reasonable steps to prevent any adverse effect that may arise as a result of the malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of awarding bodies qualifications and reputation is taken.

The College will acknowledge all reports of suspected malpractice within five working days. All of the parties involved in the case will then be contacted within 10 working days of receipt of the report detailing the suspected malpractice. We may also contact other individuals who may be able to provide evidence relevant to the case.

The individual(s) concerned will be informed of the following:

- That an investigation is going to take place, and the grounds for that investigation;

- Details of all the relevant timescales, and dates, where known;
- That they have a right to respond by providing a personal written response relating to the suspected malpractice (within 15 working days of the date of that letter);
- That, if malpractice is considered proven, sanctions may be imposed either by the College or by awarding bodies reflecting the seriousness of the case
- That, if they are found guilty, they have the right to appeal.
- That College has a duty to inform awarding bodies and other relevant authorities / regulators, but only after time for the appeal has passed or the appeal process has been completed. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact each individual separately, and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

The individual has a right to appeal against a malpractice outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment.

## 7. Monitoring arrangements

This policy will be reviewed every 12 months but can be revised as needed. It will be approved by the governing board

### Impact of non-compliance:

<b>Staff:</b>	Disciplinary action
<b>Student:</b>	Not applicable
<b>Legislation/organisational:</b>	Reputational damage, litigation, statutory and non-regulated compliance. prosecution
<b>Compliance lead:</b>	Headteacher/Director of Schools
<b>Policy Reference:</b>	ELCO-POL-OPER-0007
<b>Version:</b>	3
<b>Agreed policy location:</b>	DatabridgeMIS and Company Webpage
<b>Review Schedule:</b>	12 Months
<b>Does the policy require Governor approval?</b>	No

### Approval

<b>Written by</b> Karl Wane 03/11/2022    Director of Post 16 Education	<b>Approved by</b> Tony Brown 03/11/2022    CEO	<b>Counter Signatory</b> Scott Roberts (Assoc. CIPD) 03/11/2022    Head of Shared Services
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### Version Control

Version	Date	Revision	Review Date
1	11/12/2020	First Issue	10/12/2021
2	26/10/2021	Reviewed	25/10/2022
3	03/11/2022	Policy Reviewed	02/11/2023
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