June 2024

HORIZONS
EDUCATION TRUST

Malpractice Policy (Exams)

American Lane, Huntingdon,
PE29 1TQ

DOCUMENT CONTROL	
ISSUED	CHANGES FROM PREVIOUS VERSION
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Introduction

What is malpractice and maladministration?

'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 bedelivered
- ☐ a failure to follow established procedures in relation to a qualificationwhich:

- ☐ 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 orany officer, employee or agent of any awarding body or centre

Candidate malpractice

'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

'Centre staff malpractice' means malpractice committed by:

- ☐ a member of staff, contractor (whether employed under a contract of employment ora 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

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

Purpose of the policy

To confirm Horizons Education Trust:

- ☐ 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 Horizons Education Trust will:

- ☐ 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)
- ☐ 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)
- ☐ 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

Horizons Education Trust has in place:

- ☐ Robust processes to prevent and identify malpractice, as outlined in section 3 of theJCQ publication Suspected Malpractice: Policies and Procedures (SMPP 4.3)

- ☐ This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in thefollowing 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)

Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. Horizons Education Trust recognises that AI has many uses to help pupils learn, but may also lend itself to cheating and plagiarism.

Pupils **may not** use AI tools:

- ☐ During assessments, including internal and external assessments, and coursework
- ☐ To write their homework or class assignments, where AI-generated text is presentedas their own work

Pupils **may** use AI tools:

- ☐ As a research tool to help them find out about new topics and ideas
- ☐ When specifically studying and discussing AI in schoolwork, for example in IT lessons or art homework about AI-generated images. All AI-generated content must be properly attributed
- ☐ Where a pupil uses an AI tool, the pupil should retain a copy of the question(s) asked and the AI-generated responses. Pupils must submit this along with the assessment.

Staff should:

- ☐ Be aware that AI tools are still being developed and should use such tools with caution as they may provide inaccurate, inappropriate or biased content
- ☐ Make students aware of the risks of using AI tools and that they need to appropriately reference AI as a source of information to maintain the integrity ofassessments

For more information on AI misuse, see JCQ's '*AI Use in Assessments: Protecting the Integrity of Qualifications'.* Any misuse of AI tools may be treated as malpractice.

Informing and advising candidates

A candidate briefing is held at the start of each academic year and, again, before the start of the summer exam season.

This briefing will highlight best practice and also covers examples of learner malpractice (asoutlined in appendix B).

Identification and reporting of malpractice

Escalating suspected malpractice issues

- ☐ Once suspected malpractice is identified, any member of staff at the centre canreport it using the appropriate channels (SMPP 4.3)
- ☐ Suspected malpractice should be reported to the Exams Officer and/or Head ofCentre
  - Concerns regarding the Exams Officer should be reported to the Head of Centre
  - Concerns about the Head of Centre should be reported to the CEO.

Reporting suspected malpractice to the awarding body

- ☐ 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 (SMPP4.1.3)
- ☐ 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)
- ☐ 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 ofsuspected staff malpractice/maladministration (SMPP 4.4, 4.6)
- ☐ 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)
- ☐ 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 beinformed of the rights of accused individuals (SMPP 5.33)
- ☐ Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (SMPP 5.35)
- ☐ Form JCQ/M1 will be used when reporting candidate cases; for centre staff, formJCQ/M3 will be used (SMPP 5.37)
- ☐ 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 (SMPP5.40)

Communicating malpractice decisions

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

Horizons Education Trust will:

- ☐ Provide the individual with information on the process and timeframe for submittingan appeal, where relevant
- ☐ Refer to further information and follow the process provided in the JCQ publication Aguide to the awarding bodies' appeals processes

Appendix A – Examples of Staff Malpractice

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

Breach of security

- ☐ Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronicequivalents.

It could involve:

- failing to keep examination material secure prior to an examination;
- discussing or otherwise revealing secure information in public, e.g. internet forums;
- moving the time or date of a fixed examination beyond the arrangements permittedwithin the JCQ publication Instructions for conducting examinations.
- Conducting an examination before the published date constitutes centre staffmalpractice and a clear breach of security;
- failing to supervise adequately candidates who have been affected by a timetable variation; (This would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day.)
- permitting, facilitating or obtaining unauthorised access to examination material priorto an examination;
- failing to retain and secure examination question papers after an examination in cases where the life of the paper extends beyond the particular session. For example, where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts or controlled assessments or coursework after collection and before despatch to the awarding body/examiner/moderator;
  (This would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding body/examiner. The only instance where photocopying a candidate's script is permissible is where he/she has been granted the use of a transcript.)
- failing to keep candidates' computer files secure which contain controlled assessments or coursework.

Deception

- ☐ Any act of dishonesty in relation to an examination or assessment, but not limited to:
  - inventing or changing marks for internally assessed components (e.g. coursework) where there is no actual evidence of the candidates' achievement to justify the marks awarded;
  - manufacturing evidence of competence against national standards;
  - fabricating assessment and/or internal verification records or authenticationstatements;

- entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud);
- substituting one candidate's controlled assessment or coursework for another.

Improper assistance to candidates

- Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential oractual advantage in an examination or assessment.
  - For example: assisting candidates in the production of controlled assessments or coursework, or evidence of achievement, beyond that permitted by the regulations;
  - sharing or lending candidates' controlled assessments or coursework with other candidates in a way which allows malpractice to take place;
  - assisting or prompting candidates with the production of answers;
  - permitting candidates in an examination to access prohibited materials(dictionaries, calculators etc.);
  - prompting candidates in an examination/assessment by means of signs, orverbal or written prompts;
  - assisting candidates granted the use of an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations. Failure to co-operate with an investigation
  - failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whetheran investigation is necessary; and/or
  - failure to investigate on request in accordance with the awarding body's instructions or advice; and/or
  - failure to investigate or provide information according to agreed deadlines;and/or
  - failure to report all suspicions of malpractice.

Appendix B – Examples of Learner Malpractice

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

- ☐ the alteration or falsification of any results document, including certificates;
- ☐ a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- ☐ failing to abide by the conditions of supervision designed to maintain the security ofthe examinations or assessments;
- ☐ collusion: working collaboratively with other candidates, beyond what is permitted;
- ☐ copying from another candidate (including the use of IT to aid the copying);
- ☐ allowing work to be copied e.g. posting written coursework on social networkingsites prior to an examination/assessment;
- ☐ the deliberate destruction of another candidate's work;
- ☐ disruptive behaviour in the examination room or during an assessment session(including the use of offensive language);
- ☐ exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbalcommunication;
- ☐ making a false declaration of authenticity in relation to the authorship of controlledassessments, coursework or the contents of a portfolio;
- ☐ allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- ☐ the misuse, or the attempted misuse, of examination and assessment materials andresources (e.g. exemplar materials);
- ☐ being in possession of confidential material in advance of the examination;
- ☐ bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- ☐ the inclusion of inappropriate, offensive or obscene material in scripts, controlledassessments, coursework or portfolios;
- ☐ impersonation: pretending to be someone else, arranging for another person to take
  one's place in an examination or an assessment;
- ☐ plagiarism: unacknowledged copying from published sources or incompletereferencing;
- ☐ theft of another candidate's work; For further information see Appendix E Plagiarism
- ☐ bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, earphones/earbuds, Airpods, watches orother similar electronic devices;
- ☐ the unauthorised use of a memory stick or similar device where a candidate uses aword processor;
- ☐ behaving in a manner so as to undermine the integrity of the examination.
- ☐ Improper use of AI

Appendix C – Examples of Maladministration

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

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

- failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised;
- inappropriate members of staff assessing candidates for access arrangements whodo not meet the criteria as detailed within Chapter 7 of the JCQ publication Access Arrangements and Reasonable Adjustments;
- failure to use current assignments for assessments;
- failure to train invigilators adequately, leading to non-compliance with the JCQ publication Instructions for conducting examinations;
- failing to issue to candidates the appropriate notices and warnings, e.g. JCQ Information for candidates documents;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment outside all rooms (including Music and Art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions for conducting examinations;
- the introduction of unauthorised material into the examination room, either prior toor during the examination; (N.B. this precludes the use of the examination room to coach candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination).

Policy agreed on: JUNE 2024

Signed on behalf of the Trustees:

Committee:

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Review date (optional):

Website Y/N