



Working Together

Malpractice Policy

November 2019

History of Changes

Version	Description of Change	Authorised by	Date
1.1	New Policy required by awarding bodies as part of our quality systems to inform staff and students of the nature of malpractice how it should be prevented, minimised and reported.	D Killean	26/06/2014
1.2	Revise policy to comply with the new SQA quality criteria including the introduction of appeal and complaints sections to protect the candidate against unsound decisions. Clearer guidance on involvement of the awarding body. Guidance on records retention and clearer guidance on when the police should be involved in any case of alleged malpractice.	D Killean	22/07/2015
1.3	Revised policy to comply with new SQA quality criteria where the College are required to provide SQA with a contact over the summer months if there are any unresolved investigations and that, in some circumstances, SQA may amend or revoke candidate results and/or certificates if malpractice is found.	C Elliott	17.05.2018
1.4	At the request of AAT awarding body, we have included a statement that any suspected malpractice relating to AAT awards must be reported within 48 hours	H Anderson	27/11/19

1. Introduction

This policy and procedure sets out processes the College will follow if there is a suspicion of malpractice on the part of students or staff, or maladministration on the part of the organisation. The procedure covers investigation, reporting and potential sanctions where malpractice or maladministration has been alleged.

2. Scope

This document covers malpractice and maladministration for all activities relating to all awarding bodies for which the College is accredited.

This document complies with the requirements of awarding bodies operating in Scotland under the regulatory authority of the SQA.

The College also offers programmes leading to certification by UK-wide awarding bodies. For these awards the malpractice policy and procedure complies with the requirements of the Joint Council for Qualifications.

Malpractice is defined as any deliberate activity, act, neglect, default or other practice by an individual that deliberately or wilfully contravenes or ignores the requirements of an awarding body, or deliberately or wilfully subverts or compromises the integrity, validity or reliability of any assessment process and/or the validity of any awarded certificates. For the purposes of this document, the definition of malpractice also covers maladministration.

Malpractice

Examples of actions that may constitute malpractice are listed below. These are examples and the College reserves the right to consider as malpractice other actions not listed but falling under the definition of malpractice set out in the policy.

Students

- **Collusion** – Colluding with others when an assessment must be completed by individual candidates. Copying work from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.

- **Frivolous content** – Producing content which is unrelated to the exam, assessment or coursework.
- **Misconduct** - Behaviour in the examination room that causes disruption to others. This includes talking, shouting, abusive and/or aggressive behaviour and/or language, and having an unauthorised electronic device that emits any kind of sound in the examination room.
- **Offensive content** - Content in scripts or coursework that includes vulgarity and swearing outwith the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia).
- **Impersonation** - Assuming the identity of another candidate or a candidate having someone assume his/her identity during an assessment.
- **Plagiarism** - Failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- **Prohibited Items** – The physical possession of prohibited materials during an assessment (including mobile phones, mp3 players, iPads, tablets, smartwatches, notes etc.) in the examination room.
- **Vandalism or Destruction** - Deliberate interference with or destruction of another student's work for assessment.

College employees

- **Discrimination** - Unfair discrimination in assessment (for example, on the grounds of disability, age, gender, sexual orientation, ethnicity, religion or belief).
- **Failure to Assess** - Deliberate or wilful failure to assess in accordance with the assessment criteria or other assessment requirements within the agreed timetable for assessment and certification.
- **Collusion** - Assisting or prompting students with the production of answers during summative assessment.
- **Non-compliance** - Failure to comply with the conditions for assessment set out by the awarding body.
- **Unauthorised amendment**, copying or distributing of exams or assessment instruments.
- **Failure to record results** accurately and promptly on the completion of assessments.
- **Vandalism or Destruction** - Deliberate interference with or destruction of a student's work for assessment.

College

- **Insecurity** - Failure to provide appropriate facilities for the security of assessment and of assessment records, or the loss, theft of or a breach of confidentiality in any assessment materials.
- **Failure to Keep Accurate Records** - Failure to provide accurate assessment records of students to the appropriate awarding body or any person acting on behalf of the awarding body. Failure to register students with the appropriate awarding body, therefore preventing students from obtaining their units or qualification. Not maintaining appropriate auditable records, e.g. for certification claims and/or forgery of evidence.
- **Failure to Assess** - Failure to carry out internal assessment or internal verification in accordance with awarding body requirements.
- **Collusion** - Permitting collusion in exams or assessments.
- **Falsification** - Deliberate submission of false information to gain a qualification or unit.
- **Discrimination** - Failure to adhere to the requirements of the Reasonable Adjustments.
- Failure to comply with Data Protection legislation and College Policies and Procedures.

Any persons

- **Forgery** of certificates.
- **Threats** or inducements to any person involved in the assessment process intended to influence the outcomes of assessment.

3. Key Principles

Students

Staff should take positive steps to prevent or reduce the occurrence of learner malpractice.

These include:

- Using the induction period to inform learners of the College's policy on malpractice and the penalties for attempted and actual incidents of malpractice.
- Prevent inadvertent plagiarism by showing learners the appropriate formats for referencing cited text and other materials or information sources including websites.

- Where appropriate, requiring students to confirm that submitted work is their own, not copied from any other source.
- Getting to know their learners' styles and abilities and being alert to any submissions that seem out of character for that individual.
- Controlling and altering assessments on a regular basis in line with the College's assessment and IV policies.
- Preparing students well for assessments and giving them advance notice and guidance on the times, dates and conditions of assessment.
- Knowing the awarding body's rules and regulations for assessment and malpractice.
- Use of appropriate anti-plagiarism software.

Submitting for summative assessments should:

- Show evidence that the learner has interpreted and synthesised appropriate information and has acknowledged any sources used.
- Include a statement from the student that the work they have submitted is their own.

Where assessments are undertaken in controlled conditions staff should ensure:

- That controls are installed to prevent learners from accessing and using other people's work.
- That learners do not take prohibited material into an examination room.
- They supervise the session and monitor for any form of collusion or cheating.
- They assess work for a single assignment/task in a single session for the complete cohort of students or use difference assessment instruments on different occasions.

Staff and College

All staff responsible for the administration and deployment, marking, checking and resulting of assessments for an awarding body should ensure that they are familiar with that awarding body's rules and regulations for assessment. These are available from awarding body websites or from the College's Quality Department staff.

Where Malpractice is Alleged or Suspected

Internal Assessment prior to submission of results to the awarding body

Where a member of staff suspects a student of malpractice during the assessment or during marking and before the submission of results to the awarding body then the evidence will be investigated under the Student Behaviour and Disciplinary policy and procedure.

Where it is proven that malpractice has occurred the appropriate sanctions should be applied up to permanent exclusion from College and the awarding body informed. **The additional sanction of loss of credit for the unit undertaken will also be applied.**

Internal Assessment following submission of results to the awarding body

Where a member of staff uncovers evidence of malpractice after results have been submitted to the awarding body the Head of MIS should be informed. The Head of MIS will inform the awarding body who will instigate their own procedures. This may include an investigation conducted within the College under the direction of the Principal and in compliance with the awarding body's requirements. The awarding body may apply sanctions depending on the outcome of the investigation.

Where the student is still enrolled at the College they will also be subject to investigation under the College's disciplinary procedures, and where the allegation of malpractice is proven, sanctions may be applied up to and including permanent exclusion.

External Assessment

Where student malpractice is alleged or suspected during an external assessment event then the Head of MIS must be informed and will then inform the awarding body. The College will be required to undertake an investigation under the awarding body's policy following their procedure. The investigation will be conducted under the direction of the Principal. The awarding body may apply sanctions depending on the outcome of the investigation.

Where the student is still enrolled at the College they will also be subject to investigation under the College's disciplinary procedures and where the allegation of malpractice is proven sanctions may be applied up and including permanent exclusion.

Where the alleged malpractice may have involved any criminal activity the police should be informed and they may conduct their own investigations.

Alleged malpractice on the part of staff

Any allegation of malpractice made against a member of staff should be investigated through the College's Complaints Handling procedure and the awarding body informed. The investigation will be conducted under awarding body guidance. Where malpractice is proven or uncovered by the College and it has compromised the integrity of results submitted or planned to be submitted to an awarding body, then the awarding body must be updated by the Head of MIS or, where the allegation involves MIS Department staff, by the Learning & Teaching Development Director.

Allegations made to the awarding body directly by a student, member of staff or others are likely to be brought to the College's attention and investigated following the policies and procedures of that awarding body.

Where allegations of malpractice are proven the awarding body may apply sanctions against the member of staff and/or College.

A staff member may also be subject to investigation under the College's Employee Disciplinary Policy and Procedure where malpractice has been alleged.

Where the alleged malpractice may have involved any criminal activity the police should be informed and they may conduct their own investigations.

Alleged maladministration on the part of the College

The awarding body should be informed of any allegation of maladministration made against the College immediately by the Learning & Teaching Development Director or by the Principal where the allegation involves the Learning & Teaching Development Director.

The awarding body may take the decision to allow the College to investigate the allegation; it may undertake the investigation itself or appoint a third party to conduct the investigation on its behalf.

Where the College investigates the alleged maladministration this is done following the College's Complaints Handling Procedure. If there is any indication that the alleged maladministration may have involved criminal activity then the police should be informed and they may conduct their own investigations.

Where maladministration is proven the awarding body may apply sanctions against the College. The potential sanctions cover a wide range up to suspension as an approved centre.

The awarding body may investigate the College following its own policies on maladministration. Where allegations of maladministration are proven the awarding body may apply sanctions against the College.

How to report concerns about malpractice to an Awarding Body

All suspected cases of malpractice, including those from a third party, should be reported in writing to the awarding body. In the case of (AAT) Association of Accounting Technicians all suspected cases of malpractice including those from a third party, should be reported in writing to AAT within 48 hours.

In the case of SQA the Learning & Teaching Development Director will write on behalf of the College setting out the suspected malpractice and the action to date to:

Verification Planning Manager
Operations Directorate
SQA
Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Where any suspected malpractice may also have involved a criminal act then the police should also be informed.

Report on a malpractice investigation to an awarding body

After the investigation into the alleged malpractice, the Principal or designated deputy should submit a written report on the case to the awarding body. The report (see Appendix 2 for an example) should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out.
- Written statements from relevant centre staff, candidates or third parties.
- Any work of the candidate(s) and internal assessment or verification records relevant to the investigation.
- The investigation findings identifying the nature and implications of any malpractice identified.
- Any remedial action being taken by the centre to ensure the integrity of certification now and in the future.
- Any mitigating factors that should be considered.

In those cases where an awarding body carries out its own investigation, the Principal will have an opportunity to comment on the factual accuracy of the investigation findings.

SQA require a contact person to be available over the summer months if there are any unresolved investigations at the end of term.

In some circumstances, SQA may amend or revoke candidate results and/or certifications if malpractice is found.

In instances where malpractice is not found, SQA may, where appropriate, take the opportunity to offer centres specialist support.

Appeals against candidate malpractice decisions

The College must advise candidates they have the right to appeal a decision where a case of candidate malpractice has been upheld. Candidates will be made aware of the College's internal appeals process, and that they have the right of a further appeal to the awarding body after the centre's internal appeals process has been exhausted if they are unhappy with the outcome.

Candidates have a right to appeal to an awarding body where:

- The College has conducted its own investigation and the candidate disagrees with the outcome.
- The awarding body has asked the centre to conduct an investigation and the candidate disagrees with the outcome.
- The awarding body conducts its own investigation and the candidate disagrees with our decision.

A candidate appeal against the outcome of the College's investigation into candidate malpractice can be considered by the awarding body only after the College's internal appeals process has been exhausted. At that point, the candidate's appeal must be submitted, in writing to the awarding body within ten working days of being notified of the decision. In the case of SQA being the awarding body the letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 3), and should be clearly marked as an appeal.

The appeal must include a written account of why the candidate thinks that the centre's decision is wrong, and this account must address the reasons for the original decision given by the centre. Any evidence submitted to support this claim must be relevant to the case being made. The awarding body may seek additional information to assist their review of the case. In the case of SQA they will respond in writing, giving a decision within fifteen working days of receiving the appeal. The outcome of this appeal is final. For other awarding bodies the Learning & Teaching Development Director will advise the candidate of the relevant contact details.

The College also has the right of appeal against any findings of malpractice or maladministration on its part. Details of who to appeal to in the case of SQA are available in Appendix 1.

Complaints

In addition to the appeals procedure, any formal complaint about the College's administration of the case can be submitted according to the formal Complaints Handling Policy and Procedure available from the College website (www.borderscollege.ac.uk).

Regulated qualifications

For those qualifications that are subject to regulation by SQA Accreditation or Ofqual (e.g. SVQs) candidates have the right to request a review of the awarding body's process in reaching this decision with the appropriate regulator. The regulator will advise on next steps.

Retention of Evidence

The Quality Department is responsible for retaining evidence of any malpractice investigation and its outcomes in line with the General Data Protection Regulations (GDPR). Records will be retained for 3 years or 5 years in cases where there have been criminal prosecution or civil proceedings.

4. Responsibilities

The implementation of our Malpractice Policy is the duty of all managers involved in the assessment and certification of our students. Employees also have a duty to uphold this policy and report any concerns regarding malpractice.

Regional Board: The Regional Board are responsible for ensuring that the College complies with this policy.

Principal and Chief Executive: The Principal is responsible for overseeing compliance with this policy and directing investigation instigated by awarding bodies into malpractice.

Learning & Teaching Development Director is the policy author and is responsible for its implementation. In revising the policy from time-to-time, the Learning & Teaching Development Director must ensure that it complies with the current awarding body requirements, their quality standards and the College's status as an approved centre. The Learning & Teaching Development Director is responsible for the liaison with the awarding body in a case of suspected malpractice.

Head of MIS is responsible for ensuring that college registration, records, examination and results systems are secure and comply with the requirements of awarding bodies.

Assistant Principals and Curriculum & Learning Managers are responsible for the implementation of this policy as it relates to assessment practice and for reporting any suspected malpractice to the Learning & Teaching Development Director and the Head of MIS.

Lecturing Staff are responsible for complying with the policy and promoting good practice amongst students to minimise the incidents of malpractice. They must report all incidences of suspected malpractice to their line manager.

Learners: All learners are responsible for adhering to the rules and regulations governing assessment of their work.

5. Related Documents

External legislation or guidance

- SQA Malpractice guidance for internal and external assessments
https://www.sqa.org.uk/sqa/files_ccc/MalpracticeInformationForCentres.pdf
- City & Guilds Managing cases of suspected malpractice in examinations and assessments – January 2018
https://www.cityandguilds.com/~/_media/cityandguilds-site/documents/delivering-our-qualifications/cdl/malpractice/2017-18_managing_cases_of_suspected_malpractice_in_examinations_and_assessments%20pdf.ashx
- Centre guidance: dealing with malpractice for all Pearson approved centres delivering vocational qualifications – January 2018
<https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Centre-Guidance-malpractice-maladministration.pdf>
- JCQ Suspected Malpractice in Examinations and Assessments - 2017/18
<https://www.jcq.org.uk/exams-office/malpractice/suspected-malpractice-in-examinations-and-assessments-2017-18>

Internal linked policies, procedures or guides

- Assessment Policy
- Complaints Policy and Complaints Handling Procedure
- Employee Disciplinary Policy and Procedure
- Internal Verification Policy and Procedure
- Student Behaviour and Discipline Policy and Procedure
- Whistleblowing Policy
- Student Guide to being assessed and making appeals
- Student Handbook

Who to contact to appeal against malpractice decisions (SQA)

SQA managers

The College's first contact with the relevant SQA manager will be to agree a time to discuss their disagreement with SQA's decision or in a case of a candidate, once they have exhausted the College's internal appeals process.

Cases of malpractice in HN/Vocational Qualifications

Head of Operations for HN/Vocational Qualifications Operations
Directorate Tel: 0345 213 5994

Cases of malpractice in National Qualifications

Head of NQ Delivery: Assessment and Data Services Operations
Directorate Tel: 0345 213 6853

Head of Accreditation

SQA Accreditation
SQA
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Corporate Office

SQA
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Ofqual

Customer Relations
info@ofqual.gov.uk

Investigation Report Form

Qualification title:

Date of issue:

Centre number:

Centre name:

Unit code(s)/Unit Title:

Level:

Candidate(s) involved
(if appropriate):

Staff involved
(if appropriate):

Area of concern:

To be completed by the Principal or designated deputy.

I confirm that all individuals involved have been notified about the above issue and have been given opportunity to comment.

Where appropriate, a signed statement from each individual is available.

Equality Impact Assessment

What Impacts may there be from this Proposal on any Group's ability to use the College services?

Policy: Malpractice Policy

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
<p>The policy makes specific reference to ensuring that reasonable adjustments are made where these are necessary. Failure to do so is regarded as malpractice.</p> <p>Where discriminatory remarks are made in assessable material this is also considered malpractice and will be subject to investigation and possible sanction.</p> <p>The policy provides for a right of appeal both internally and to relevant external organisations.</p>	
Actions taken to alleviate any negative Impacts: Consideration of Equality legislation was taken into account in the authoring of this policy.	
Recommendations: None	

From the outcome of the Equality Impact Assessment, have negative impacts been identified for race or other equality groups?

No.

Has a full Equality Impact Assessment been recommended?

Yes

No

Reason for recommendation:

Malpractice Policy

Status: Approved by JCC and CQC
Policy Dated: November 2019
Author: Director of Business Improvement and Performance
Review Date: May 2020
Equality Impact Assessed: Complete