



BLACKBURN GOULD  
& ASSOCIATES

# **Malpractice and Maladministration Procedure**

## **Assessment Malpractice and Maladministration Procedure**

### **Context**

Malpractice refers to any deliberate act or practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake. The purpose of this procedure is to reduce the risk of malpractice and/or maladministration by:

- increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by learners, assessors, trainers, and other staff
  - to reduce risk of breach of regulations through ignorance.
  - to aid detection of any irregularities.
- explaining how learners and staff will be made aware of this procedure.
- identifying strategies to be employed to minimise risk of learner malpractice.
- describing how instances of alleged malpractice will be dealt with.

Blackburn Gould and Associates do not support actions (or attempted actions) of malpractice by staff or learners. Blackburn Gould is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, Blackburn Gould is fully committed to take appropriate action, including applying punitive measures and reporting suspected malpractice to maintain the integrity of assessment and certification.

All staff have a professional duty to ensure that they uphold this procedure. Whilst the procedure sets out general principles, in addition, staff must also ensure that they abide by the specific assessment requirements for each course as laid down by the awarding organisation for each subject specification.

### **Examples of Staff Malpractice**

This list below is not exhaustive and Blackburn Gould at its discretion may consider other instances of malpractice. A more comprehensive list including examples of maladministration is provided in the Appendix of this procedure.

- Improper assistance to candidates.
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made.
- Failure to keep candidate coursework/portfolios of evidence secure.
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner.
- Producing falsified witness statements, for example for evidence the learner has not generated.
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own.
- Facilitating and allowing impersonation.
- Misusing the conditions for special learner requirements.
- Falsifying records/certificates, for example by alteration, substitution, or by fraud.
- Fraudulent certificate claims, which is claiming for a certificate prior to the learner completing all the requirements of assessment.

### **Examples of Learner Malpractice**

This list below is not exhaustive and Blackburn Gould at its discretion may consider other instances of malpractice.

- 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 of the examinations or assessments.
- Collusion: collaborating with other candidates, beyond what is permitted.

- Copying from another candidate (including the use of ICT to aid the copying).
- Allowing work to be copied e.g., posting written coursework on social networking sites prior to an examination/assessment.
- 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-verbal communication.
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, 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.
- 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, controlled assessments, 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 incomplete referencing.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers, or other similar electronic devices.
- Behaving in a manner to undermine the integrity of the examination.

## **ACTIONS TO IMPLEMENT THE PROCEDURE**

### **Informing Learners**

Blackburn Gould will communicate the Learner Assessment Malpractice Procedure to learners through the following means:

- Group Tutorials during the induction period.

- ‘Information for Students’ area of Google Classroom.
- Curriculum Leaders have responsibility for ensuring that learners are made aware of this procedure before undertaking any assessed work which has the potential to contribute to the awarding of a qualification.

In addition, information for candidates relating to written examinations, onscreen tests, controlled assessment, and coursework will be made available via the Google Classroom.

### **Implementing Assessment Practices**

Curriculum Leaders have responsibility for implementing assessment practices that reduce the opportunity for malpractice, including for example:

- Periods of supervised sessions during which evidence for assessments is produced by the learner.
- Altering assessment assignments/tasks/tools on a regular basis.
- Using oral questions with learners for a single assignment/task in a single session for the complete cohort of learners.
- Ensuring access controls which prevent learners from accessing and using other people’s work when using networked computers.
- Requiring learners to sign, to declare that their work is their own when submitting assessments.

## **PROCEDURE FOR DEALING WITH ALLEGATIONS OF MALPRACTICE**

### **1. Reporting suspected malpractice**

#### **a. Within Organisation**

All Organisation staff have a responsibility for reporting any suspected incidences of staff or learner malpractice through the appropriate channels. Learners will be made aware of the procedure for reporting any allegations of suspected malpractice via the Learner Assessment Malpractice Procedure.

In addition, allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to Blackburn Gould via the awarding organisation.

#### **Allegations made by Organisation staff:**

- Allegations of suspected staff / learner malpractice to be made to the relevant Manager.

#### **Allegations made by learners:**

All Organisation staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels:

- Allegations of suspected staff malpractice and/or learner malpractice to be reported to the relevant Manager.

Blackburn Gould will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available. Managers will inform the Head of Quality of any allegations that are made.

#### **b. To Awarding Organisations**

Blackburn Gould accepts the responsibility to report any suspicion of learner or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice in coursework or controlled assessment, which is discovered prior to the learner signing the declaration of authentication. In these cases, the incident need not be reported to awarding bodies, but will be dealt with in accordance with Blackburn Gould's disciplinary / student management procedures. Any work which is not the learner's own will not be given credit; in addition, a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice, the Head of Quality will submit the fullest details of the case at the earliest opportunity to the relevant awarding body as per Joint Council of Qualification regulations.

## **2. Investigation of suspected malpractice**

If Organisation staff suspects assessment malpractice there will be a process of investigation, usually commissioned by the relevant Manager, to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of Blackburn Gould's Staff Disciplinary Procedure given the potential seriousness of the matter. The Manager will usually nominate an investigating officer. To avoid conflicts of interest, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice.

Any disciplinary investigation will proceed as described in the Staff Disciplinary Procedure which will include provision for:

- The member of staff to be informed about the concerns and consequences.
- Suspension depending on the circumstances of the case.

- The member of staff to be accompanied at any subsequent investigation meeting.
- Collection of evidence related to the alleged malpractice.
- The review of evidence and production of a report.
- A decision to be made on whether to proceed to a formal disciplinary hearing.
- If necessary, a formal hearing with a right of representation.

### **Possible Actions Taken by Blackburn Gould**

In cases where it is believed, following an investigation and hearing, that there is unmistakable evidence of malpractice:

- The appropriate awarding body will be informed by Blackburn Gould of the allegation of malpractice, and they will be given the supporting evidence.
- Blackburn Gould will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal.

In any instances where suspected malpractice will be reported to awarding bodies, Blackburn Gould will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of **learner assessment malpractice** will be investigated in a similar manner by the relevant assessors. As with staff malpractice potential conflicts of interest will be avoided by nomination of an investigating officer who is external to the management of the learner and/or particular curriculum area.

Investigations will proceed through the following stages:

- The learner will be informed about the issues, possible consequences and right of appeal.
- Collection of evidence related to the alleged malpractice.
- The review of evidence and production of a report.
- A formal meeting between the Executive Director and the learner against whom an allegation has been made.

### **Possible Actions Taken by Blackburn Gould**

In cases where it is believed that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by Blackburn Gould of the allegation of malpractice, and they will be given the supporting evidence.



- Blackburn Gould will take internal disciplinary action in line with Organisation student management procedure and procedures. This action will be commensurate with the seriousness of the malpractice.

In any instances where suspected malpractice will be reported to awarding bodies Blackburn Gould will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

## Appendix

### Examples of Malpractice<sup>1</sup>

This more detailed list of examples of malpractice by staff and learners has been drawn from the JCQ document *Suspected Malpractice in Examinations and Assessments* (September 2011 to August 2012). This list is not exhaustive and other instances of malpractice may be considered by Blackburn Gould at its own discretion.

### STAFF MALPRACTICE

#### Breach of security

Breaking the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents:

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 permitted by the published regulations of the Joint Council of Qualifications.
- Failing to supervise candidates who have been affected by a timetable variation.
- Permitting, facilitating, or obtaining unauthorised access to examination material prior to an examination.
- Failing to retain and secure examination papers after an exam in cases where the life of the paper extends beyond the 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.
- Failing to keep student computer files which contain controlled assessments or coursework secure.

---

<sup>1</sup> JCQ Suspected malpractice in Examinations and Assessments: Procedure and Procedures

## **Deception**

Any act of dishonesty in relation to any 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 being given.
- Manufacturing evidence of competence against national standards.
- Fabricating assessment and/or internal verification records or authentication statements.
- Entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud).

## **Improper assistance to candidates**

Giving assistance beyond that which is permitted by the specification to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment

For example:

- Assisting candidates in the production of controlled assessments or coursework, or evidence of achievement, beyond that which is 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 Language Speaking Examinations by means of signs, or verbal 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.

## **Maladministration**

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 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 monitored and supervised.
- Inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed by the JCQ regulations.
- Failure to use current assignments for assessments.
- Failure to train invigilators, leading to non-compliance with JCQ regulations.
- Failing to issue to candidates the appropriate notices and warnings.
- Failure to inform the JCQ Centre Inspection Service of alternative sites for examinations.
- Failing to post notices relating to the examination or assessment in all rooms (including music and art rooms) where examinations and assessments are held.
- Not ensuring that the examination venue conforms to awarding body requirements.
- The introduction of unauthorised material into the examination room, either during or prior to 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.)
- Failing to ensure that mobile phones are placed outside the examination room and failing to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting.
- Failure to invigilate in accordance with the JCQ publication Instructions for conducting examinations.
- Failure to keep accurate records in relation to extremely late arrivals and overnight supervision arrangements.
- Failure to keep accurate and up to date records in respect of access arrangements which have been processed electronically using the Access arrangements online system.

- Granting access arrangements to candidates which do not meet the requirements of the JCQ publication Access Arrangements, Reasonable Adjustments and Special Consideration.
- Granting access arrangements to candidates where prior approval has not been obtained from the Access arrangements online system or, in the case of a more complex arrangement, from an awarding body.
- Failure to supervise effectively the printing of computer-based assignments when this is required.
- Failing to retain candidates'-controlled assessments or coursework in secure conditions after the authentication statements have been signed.
- Failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner.
- Failing to despatch candidate scripts / controlled assessments / coursework to the awarding bodies or examiners or moderators in a timely way.
- Failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered.
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body.
- The inappropriate retention or destruction of certificates.

### **Candidate Malpractice**

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 of the examinations or assessments.
- Collusion: working collaboratively with other candidates, beyond what is permitted.
- Copying from another candidate (including the use of ICT to aid the copying); allowing work to be copied e.g., posting written coursework on social networking sites 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-verbal communication.
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, 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 and resources (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, controlled assessments, 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 incomplete referencing.
- Theft of another candidate's work.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers, or other similar electronic devices.
- The unauthorised use of a memory stick where a candidate uses a word processor.
- Behaving in a manner to undermine the integrity of the examination.