

Assessment Malpractice Policy

(including Conflicts of Interest)

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Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, transgender, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

Sustainability

The college will comply with all statutory duties in respect of sustainable development by seeking to improve the long-term economic, social and environmental wellbeing of people and communities. This needs to be done in ways which promote social justice, equality of opportunity and which enhance the natural and cultural environment while respecting its limits.

Welsh Language

The Welsh Language Measure of 2011 ensures the equal status of the Welsh language alongside the English language. This law has created the role of a Welsh Language Commissioner and has introduced a number of Welsh Language Standards with which the College are under a statutory duty to comply. This includes conducting Welsh Language Impact Assessments for all new and revised policies.

Introduction

This policy complies with the Joint Council for Qualifications (JCQ) 'Suspected Malpractice Policies and Procedures'.



JCQ Suspected
Malpractice Policies

Please note that this Policy is to be read in conjunction with awarding body policies and procedures/guidance documents. Where awarding organisations are regulated by Ofqual, please also refer to Ofqual's guidance.

The Joint Council for Qualifications (JCQ) 'Suspected Malpractice Policies and Procedures' *defines* malpractice (which includes maladministration and non-compliance with the Regulations) as:

- Any act, default or practice which is a breach of the Regulations or which:
 - gives rise to prejudice to candidates; and or
 - compromises public confidence in qualifications; and/or
 - compromises, attempts to compromise or may compromise the process of assessment, the integrity of a 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

Malpractice may or may not relate directly to sitting an examination. Awarding bodies are aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

Malpractice also includes maladministration and instances of non-compliance with the regulations, and includes activity such as:

- Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or failures of compliance with JCQ regulations in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms. This list is not exhaustive.

The following are types of malpractice:

- Breach of security
- Deception
- Improper assistance to candidates
- Failure to co-operate with an investigation

- Maladministration (*e.g. loss and/or theft of completed assessments; loss and/or theft of live assessment papers; a breach of confidentiality of live assessment materials (including the use of live papers as practice papers)*)
- Candidate malpractice

The aim of this policy is to identify and minimise the risk of malpractice by staff or learners/candidates while ensuring that any response to any incidence of alleged malpractice is investigated immediately and objectively with appropriate penalties and/or sanctions in place to be imposed on learners/candidates or staff where incidents (or intended incidents) of malpractice are proven. As stated above, the policy is written to comply with the Joint Council for Qualifications (JCQ) 'Suspected Malpractice Policies and Procedures' and can be located [here](#).

Please note that if there is a conflict between awarding organisation regulations and JCQ procedures, the JCQ procedures take precedence.

The JCQ state that 'Failure by a centre to notify, investigate and report to an awarding body all allegations of malpractice suspected malpractice constitutes malpractice in itself.' Also, failure to take action as required by an awarding body, as detailed by the JCQ, or to co-operate with an awarding body's investigation, also constitutes malpractice.

1. Policy on Assessment Malpractice

- Individuals and course teams should take steps to avoid the occurrence of malpractice. These steps should include, but are not restricted to:
- Using the induction period and the learner handbook to inform learners/candidates of the College's policy on malpractice and the penalties for attempted and actual instances of malpractice;
- Periodically reminding staff and learners/candidates of the College's policy on malpractice and the penalties for attempted and actual instances of malpractice;
- Requiring learners/candidates to complete a statement of authenticity declaring that their work is their own;
- Showing learners/candidates the appropriate referencing formats;
- Explaining to learners/candidates what constitutes plagiarism and highlighting the consequences (in line with the College policy);
- Identifying instances of plagiarism. Please refer to Appendix 1;
- Declaring Conflicts of Interest. Please refer to pages 11 and 12.

1. Learner/Candidate Malpractice Defined

'Learner/Candidate malpractice' means malpractice or suspected malpractice by a learner, candidate or trainee in connection with examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the completion of portfolios of assessment evidence and the writing of any examination paper. Comprehensive examples of learner/candidate malpractice are outlined on pages 38 and 39 of the Joint Council for Qualifications (JCQ) 'Suspected Malpractice Policies and Procedures'. Other instances may be considered at the College's discretion. Some examples are as follows:

- Plagiarism;
- False declaration of authenticity in relation to the contents of a portfolio or coursework (Malpractice in coursework or within a controlled assessment component of a specification discovered prior to the candidate signing the Statement of Authenticity need not be reported to the Awarding Body, but must be dealt with in accordance with the centre's internal procedures);
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in any forms of assessment (including examinations);
- Misuse of assessment material/unauthorised use of material in any assessment activity (including examinations);
- Cheating during internally and/or externally set examinations or coursework assessments; failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments
- Fabrication of results or evidence;
- Deliberate destruction of another's work.

The College has the right to reject a learner's/candidate's work on the grounds of malpractice if any of the above regulations are broken. The learner/candidate, parent or guardian (where appropriate) of a learner/candidate has the right to appeal against any decisions to reject a candidate's internally assessed work on the grounds of malpractice.

2. Staff Malpractice Defined

The JCQ define staff malpractice as meaning malpractice committed by:

- a member of staff, contractor (whether employed under a contract of employment or a 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, an Oral Language Modifier, a practical assistant, a prompter, a reader or a scribe.

Instances of malpractice are outlined on pages 35 to 38 of the Joint Council for Qualifications (JCQ) 'Suspected Malpractice Policies and Procedures'. Other instances may be considered at the College's discretion. Some examples are as follows:

- Failure to keep candidate work secure (including learner/candidate tracking sheets, coursework, portfolios, computer files and assessed work) in line with Awarding Body requirements;
- Falsifying records (including the alteration of awarding body specifications, assessment/ grading criteria and certificates, inventing or changing marks for internally assessed work (where there is insufficient evidence of the candidate's achievement to justify the marks given or assessment decisions made) and producing falsified witness statements);
- Failure to adhere to Awarding Body re-submission and re-take guidelines/requirements;
- Fraudulent certificate claims;
- Improper assistance to learners/candidates - any act where assistance is given beyond that permitted by the specification or regulations to a learner/candidate or group of learners/candidates, which results in a potential or actual advantage in an examination or assessment. Examples outlined by the JCQ include: assisting learners/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 learners/candidates with the production of answers; permitting learners/candidates in an examination to access prohibited materials (dictionaries, calculators etc.); prompting candidates in an examination/assessment by means of signs, or verbal or written prompts;
- Allowing evidence, which is known by a staff member not to be the learner's/candidate's own, to be included in a learner's assignment/task/portfolio/coursework;
- Facilitating and allowing impersonation;
- Misusing the conditions for special learner/candidate requirements, e.g. where learners/candidates are permitted support, where the support has the potential to influence the outcome of the assessment.

3. Addressing Malpractice/Alleged Malpractice

Instances of suspected malpractice (including maladministration) may be identified internally (e.g. by staff and/or learners/candidates) or externally (e.g. by an awarding body or an employer). Instances of suspected malpractice are to be reported to the Principal immediately, with the exception of instances of plagiarism, which are to be reported to the Quality Assurance Manager.

In cases where allegations are made against the head of centre, or the management of the centre, the awarding body will decide how the investigation will be carried out. The awarding body may authorise another person to gather evidence on its behalf (such as Chair of the Governing Body of the centre).

The Principal must report to the appropriate awarding body immediately, all alleged, suspected or actual incidents of malpractice/maladministration. The only exception to this is when malpractice is discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate. If staff malpractice is discovered in coursework or non-examination assessments, the Principal **must** inform the awarding body immediately regardless of whether the authentication forms have been signed by the learner/candidate. The forms for reporting malpractice can be located [here](#).

In line with the JCQ requirements, where authentication forms have been signed, the Principal will:

- Notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice/maladministration. The only exception to this is candidate malpractice discovered in controlled assessments, coursework or non-examination assessments before the authentication forms have been signed by the candidate (see section 4.3);
- Complete Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2a (suspected malpractice/maladministration involving centre staff) to notify an awarding body of an incident of malpractice;
- Be accountable for ensuring that the centre and centre staff comply at all times with the awarding body's instructions regarding an investigation;
- Supervise personally, and as directed by the awarding body, all investigations resulting from an allegation of malpractice unless the investigation is being led by the awarding body or another party;
- Ensure that if it is necessary to delegate an investigation to a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or candidate 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. This will be in the best interests of centre staff, candidates and any others involved;

- Speedily and openly make available information as requested by an awarding body;
- Co-operate and ensure their staff do so with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not;
- Ensure that staff members and candidates are informed of their individual responsibilities and rights as set out in these guidelines;
- Forward any awarding body correspondence and evidence to centre staff and/or provide staff contact information to enable the awarding body to do so;
- Pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

Where the awarding body has authorised the Principal to carry out the investigation into allegations of malpractice/maladministration, the investigation will be completed by a nominee appointed by the Principal. Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the Principal must contact the awarding body as soon as possible to discuss the matter.

All stages of the investigation will be documented. The Principal will issue the nominee with the appropriate JCQ/Ofqual/Awarding Body paperwork. The Principal however retains overall responsibility for the investigation.

An investigation will be conducted, commensurate with the nature of the malpractice allegation. Such an investigation will be supported by the Principal and all personnel linked to the allegation.

Malpractice by a learner/candidate in a controlled assessment, coursework or non-examination assessment component discovered **prior to** the learner/candidate signing the declaration of authentication may not need to be reported to the awarding body, but must be dealt with in accordance with the centre's internal procedures and/or awarding body requirements. The only exception to this is where the awarding body's confidential assessment material has been breached. The breach must be reported to the awarding body.

If a learner/candidate has not been entered with an awarding body for the component, unit or qualification, malpractice discovered in controlled assessment, coursework or non-examination assessment must also be dealt with in accordance with the centre's internal procedures.

Where malpractice by a learner in a **vocational qualification** is discovered prior to the work being submitted for certification, centres should refer to the guidance provided by the awarding body.

(Note: JCQ advises that 'Centres are advised that if controlled assessment, coursework, non-examination assessment or portfolio work which is submitted for internal assessment is rejected by the centre on grounds of malpractice, candidates have the right to appeal against this decision.' The JCQ website contains advice on the recommended procedures for appeals against internal assessment decisions).

Where staff malpractice is suspected, the Principal or nominee will inform Human Resources. Human Resources will support the nominee and the member of staff during the investigation.

Human Resources will make the staff member aware (at the earliest opportunity), of the nature of the alleged malpractice, their individual responsibilities and rights and of the possible consequences should malpractice be proven. Individuals will be issued with a copy of the College's Malpractice Policy and the current JCQ 'Suspected Malpractice Policies and Procedures'.

Individuals will be given the opportunity to respond to the allegations made and will be informed of avenues for appealing against any judgements made.

Where malpractice is proven the College will apply existing sanctions in-keeping with the College's existing disciplinary policies and procedures.

Investigation Outcome – Investigations carried out by the Head of Centre/Appointed Investigator

The Principal will inform the Vice Principal (Academic) and Quality Assurance Manager of the investigation outcome (and will provide a copy of the completed JCQ investigation paperwork). The Vice Principal (Academic) or the Quality Assurance Manager will be responsible for communicating the outcome to the Awarding Body via an investigation report (accompanied by the required information as outlined by the JCQ in the current JCQ 'Suspected Malpractice Policies and Procedures').

The Vice Principal (Academic) or the Quality Assurance Manager will produce a summary report for presentation to Academic Board and the Curriculum and Quality Committee.

The Awarding Body may request further information and/or enforce additional actions. Please refer to the current JCQ document 'Suspected Malpractice Policies and Procedures' for further information:

https://www.jcq.org.uk/wp-content/uploads/2020/09/Malpractice_20-21_v2-1.pdf

4. Conflicts of Interest

What is a Conflict of Interest?

A conflict between the private interests (and the official responsibilities) of a person in a position of trust.

The College will:

Take all reasonable steps to avoid any part of the assessment of a learner/candidate (including the Internal Quality Assurance (IQA)/Internal Verification(IV) of learner/candidate work) being undertaken by any person who has/may have a personal interest in the result of the assessment and IQA/IV. Where appropriate, the College will make arrangements for the assessment and IQA/IV to be scrutinised by another person. Please note that Awarding Body guidelines vary and it is important to refer to their guidelines also. Some Awarding bodies (e.g. BPEC) specifically state that assessment must be facilitated by a different Assessor.

The Assessor will:

Immediately inform the Head of School of potential conflicts of interest.

Where might a conflict of interest arise?

- Where an assessor stands to gain direct benefit from the assessment having a successful outcome
- Where the person completing internal verification has had direct involvement in the learner/candidate assessment

Examples of Conflicts of Interest:

- The learner/candidate is a relative of the Assessor and/or Internal Quality Assurer/Internal Verifier
- The learner/candidate may be employed in a company where the Assessor/Internal Quality Assurer/Internal Verifier has a vested interest

Identification of Conflicts of Interest:

It is the responsibility of the Assessor to declare actual or potential conflicts of interest to the Head of School. The Head of School has the final decision on whether conflict exists or not, and to make arrangements for the relevant part of the assessment to be subject to scrutiny by another person. The Quality Assurance Manager will maintain a log of declared conflicts of interest and the course teams will supply copies of the internal verification documentation.

Note: Assessors and Internal Verifiers/Internal Quality Assurers are required to declare that no conflicts of interest have been identified in the course of Assessment and IQA/IV in the signatory section of the Internal Verification/Quality Assurance of Assessment Decisions document.

The Quality Office will issue termly reminders to lecturers and assessors about declaring Conflicts of Interest.

Appendix 1:

What is plagiarism?

Plagiarism is using the work or ideas of other people without acknowledging the source.

Plagiarism is fraud

How we identify plagiarism

The College identifies plagiarism with plagiarism detecting software and through auditing assessments and assignments.

How to reference work accurately

A referencing guide is to be made available to all learners/candidates.

Consequences of plagiarism

- All instances of plagiarism will be recorded and reported to the Quality Assurance Manager (QAM)
- Tutor and Head of School (with support from QAM if required) will make a judgement on whether the plagiarism is minor or serious. Please refer to the procedures outlined below for minor and serious instances of plagiarism
- Where a Statement of Authenticity (SoA) has been signed, the Awarding Body is to be informed via the Quality Assurance Manager (QAM).
- **All learners/candidates** who plagiarise work will be issued with a verbal warning (as a minimum).
- The QAM will maintain a log of all reported instances of plagiarism. A report will be submitted to Academic Board and the Curriculum and Quality Committee.

Judgement 1 (Minor)

- Tutor/HoS informs QAM of identification of minor plagiarism and outlines the planned course of action (e.g. re-submission of work)
- Tutor/HoS to meet with the learner/candidate to discuss required action and the learner/candidate is given an opportunity to respond
- Disciplinary process is followed - verbal warning given
- Tutor works with the learner/candidate to ensure agreed actions are completed

Judgement 2 (Serious)

- Tutor/HoS informs QAM of identification of serious plagiarism
- Tutor/HoS and QAM to discuss and agree the course of action
- QAM and Tutor/HoS meets with the learner/candidate. The learner/candidate is given the opportunity to respond. The learner/candidate is informed of the agreed course of action (e.g. re-submission under controlled conditions)
- Disciplinary process is followed – referral to the Campus Director
- Tutor works with the learner/candidate to ensure agreed actions are completed

- The Quality Assurance Manager is responsible for informing the Awarding Body of all reported instances of plagiarism where the learner/candidate has signed the Statement of Authenticity (in line with specific Awarding Body requirements)
- The Quality Assurance Manager will also inform the Awarding Body of the intended action
- The learner/candidate will be informed that the Awarding Body is being made aware of the instance of plagiarism
- The information will be recorded by the QAM

Type of submitted work

Plagiarism applies to all types of work, some of which are listed below:

- I. Assignments
- II. e-portfolios
- III. Practical assessments
- IV. Creative projects
- V. Partially completed work

This list is a guideline and is not definitive.

Examples of plagiarism

- I. Copying and pasting from other sources
- II. Using another person's ideas / work without permission
- III. Facts
- IV. Statistics
- V. Graphs
- VI. Photos
- VII. Media
- VIII. Drawings
- IX. Quotations of text or speech without referencing
- X. Use of someone else's work with minor alterations

This is a guideline and not an exhaustive list.

Definition of 'Minor Plagiarism' –

- a *small amount* of paraphrasing, quotation or use of diagrams, charts etc. without adequate and appropriate citation/referencing

Definition of 'Serious Plagiarism' –

- *extensive* paraphrasing, quotation or use of diagrams, charts etc. without adequate and appropriate citation/referencing
- copying the work of others
- the use of essays (or parts of essays) from essay banks
- Lifting text directly from another source without referencing
- Continued instances of 'Minor Plagiarism'
- Presenting the ideas and work of others as own work
- Collusion

Note: *These definitions are a guideline and not an exhaustive list. You will need to exercise careful judgement about which category the instance of plagiarism falls into.*

Quick Guide to Referencing

How to avoid plagiarism

Referencing is accrediting information to the original source. The method of referencing will depend on the course you are taking. You should always check with your tutor. Below is a checklist of primary and secondary sources that you will always need to reference in your work.

- Internet
- Books
- Music
- Images
- Film
- Radio
- Magazines
- Newspapers
- Papers / Journals
- Art work
- Exhibition
- Talks / Presentations
- Video / DVD
- Photographs