

MALPRACTICE APPEALS & COMPLAINTS POLICY

Company Operations

ADO SERVICES C.I.C.

Incorporating River Valley School

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1 Malpractice & Administration Policy Overview

ADO is committed to providing leadership to ensure that senior staff are aware of the importance to ensure this policy is adhered to.

The Additional Sites Policy is valid for the following services:

ADO Education – River Valley School – ADO Training Centre

2. Introduction

This document is intended for ADO Directors, senior managers, examination officers and others at ADO involved in managing the delivery of general and vocational qualifications which are certificated by Pearson, our awarding body who is a member of the Joint Council for Qualifications.

It has been drawn up in accordance with Joint Council agreements dealing with malpractice and breaches of security.

The document:

- Identifies the regulations under which examinations and assessments operate;
- Defines malpractice in the context of examinations and assessments;
- Sets out the rights and responsibilities of awarding bodies, ADO staff and candidates in relation to such matters;
- Describes the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

3. Instances of Malpractice

Instances of malpractice arise for a variety of reasons and include, but not limited to:

- Some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- Some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations;
- Some occur as a direct result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted).

The individuals involved in malpractice are also varied. They may be, but not limited to;

- Candidates;
- Teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, the administration or the quality assurance of examinations and assessments including examination officers and invigilators;
- Assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- Other third parties, e.g. parents-carers, siblings, friends of the candidate.

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to examinations and assessments need to be investigated. This is to protect the integrity of the qualification and to be fair to ADO and all candidates.

This document details the procedures for investigating and determining allegations of malpractice which in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.

4. Definitions of Malpractice

Regulator

An organisation designated by government to establish national standards for qualifications and to secure compliance with them.

Centre

An organisation (such as a school, college, training company-provider or place of employment), which is accountable to an awarding body for the assessment arrangements leading to a qualification award.

Head of (ADO) Centre

The 'Head of ADO Centre' is the most senior operational officer in the organisation.

Where an allegation of malpractice is made against the Head of Centre, the responsibilities set out in this document as applying to the Head of Centre shall be read as applying to such other person nominated to investigate the matter by the relevant awarding body.

Private Candidates

The regulators define a private candidate as 'a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre'.

A candidate cannot enter as both a private candidate and as an internal candidate at the same centre in the same examination series. (Note: the use of this term is generally limited to general qualifications; it is less commonly used in vocational qualifications.)

Practical Assistant

A 'practical assistant' is a person who is appointed (according to the JCQ regulations) by a centre to carry out practical tasks in a written examination at the instruction of the candidate, where approved by an awarding body.

A 'practical assistant' may also assist in controlled assessment, coursework, non-examination assessment or practical assessments where approved by an awarding body.

Qualifications

'Qualifications' means a statement of accomplishment following an examination or assessment.

The main qualifications offered by the JCQ members are AEA, ELC, Essential Skills Wales, FSMQ, Functional Skills, GCE, GCSE, Project Qualifications (including the Extended Project), Vocational Qualifications (e.g. BTEC Nationals, Cambridge Nationals, Cambridge Technical, City & Guilds Certificates) and the Welsh Baccalaureate Qualification.

Examinations and Assessments

'Examinations and assessments' mean any written or practical activity set according to the awarding body's specification, or any achievement measured against national standards, which contributes to the award of a qualification.

Regulations

'Regulations' means the guidance and regulations relating to the provision of access arrangements and the conduct of controlled assessments, coursework, examinations and non-examination assessments. A list of the documents which contain the regulations can be found in Appendix 1.

The regulations are based upon and fully encompass the requirements of the regulators of external qualifications in England, Wales, Scotland and Northern Ireland, such as those found in Ofqual's General Conditions of Recognition and SQA Accreditation's Regulatory Principles.

5 Malpractice Overview

‘Malpractice’, which includes maladministration and non-compliance, means any act, default or practice which is a breach of the Regulations or which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or D
- Damages the authority, reputation or credibility of any awarding body or ADO or any officer, employee or agent of any awarding body or ADO.

Failure by ADO to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in itself.

Also, failure to take action as required by an awarding body, as detailed in this document, or to co-operate with an awarding body’s investigation, constitutes malpractice.

6 Suspected Malpractice

For the purposes of this document suspected malpractice means all alleged or suspected incidents of malpractice.

ADO Staff Malpractice

‘ADO Staff Malpractice’ means malpractice committed by:

- A member of staff or contractor (whether employed under a contract of employment or a contract for services) at ADO; or
- An individual appointed in another capacity by ADO such as an invigilator, an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter.

Examples of ADO staff malpractice are set out in *Appendix 2, Part 1*. These examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

Candidate Malpractice

‘Candidate Malpractice’ means malpractice by a candidate in the course of 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.

Examples of candidate malpractice are set out in *Appendix 2, Part 2*. These examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be considered by the awarding bodies at their discretion.

7 Individual Responsibilities

The regulators' General Conditions of Recognition state that awarding bodies must:

- Establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration; and
- Ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

The awarding body will:

- Oversee all investigations into suspected or alleged malpractice;
- Withhold the issuing of results until the conclusion of the investigation, or permanently, where the outcome of the investigation warrants it;
- Apply the sanctions and penalties listed in this document in cases of proven malpractice;
- Report the matter to the regulators and other awarding bodies in accordance with the regulators' General Conditions of Recognition;
- Consider reporting the matter to the police if proven malpractice involved the committing of a criminal act;
- Consider reporting the matter to other appropriate authorities where relevant, e.g. Funding Agencies.

The awarding body will normally authorise the Head of ADO Centre, acting on behalf of the awarding body, to carry out the investigation or to collect evidence on its behalf.

The awarding body reserves the right to conduct any investigation where it feels it is the most appropriate course of action.

Where allegations are made against the Head of ADO Centre, or the management of ADO, the awarding body will decide how the investigation will be carried out. The awarding body may authorise another person, such as one of the following to carry out the investigation:

- The Chair of the Governing Body of ADO; or
- The responsible employer (or his/her nominee) e.g. Director of Education; or
- Another suitably qualified individual such as an Ofsted Inspector or head of another school.

The individual will then report to the awarding body when the investigation has been completed.

Awarding bodies may use their own personnel to investigate cases involving a breach or suspected breach of security (e.g. the content of examination material becomes known before the scheduled date of the examination). This is in addition to, and not a substitution for, the requirement for ADO to provide full details of alleged, suspected or confirmed breaches of security.

The Head of ADO Centre must:

- Notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. 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;
- Complete Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2a (suspected malpractice-maladministration involving ADO staff) to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice> Notifications in letter format will be accepted providing the information given covers the same points as Form JCQ/M1 or JCQ/M2a;
- 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 ADO staff, the senior member of ADO staff chosen is independent and not connected to the team 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 ADO 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 ADO is directly involved in the case or not;
- Inform staff members and candidates of their individual responsibilities and rights as set out in these guidelines;
- 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.

The responsibilities extend to instances of suspected malpractice involving private candidates entered through ADO. The Head of ADO Centre are reminded that a failure to comply with the requirements may itself constitute malpractice.

8 Procedures For Dealing With Allegations of Malpractice

The handling of malpractice complaints and allegations involves the following phases.

- The allegation
- The awarding body's response
- The investigation
- The Report
- The decision
- The appeal

9 Communications

Awarding bodies will normally communicate with the Head of ADO Centre regarding allegations of malpractice, except when the Head or management of ADO is under investigation. In such cases communications may be with another person nominated to investigate the matter by the relevant awarding body, such as the Chair of Governors or Director of Education.

Communications relating to the decisions taken by the awarding body in cases of malpractice will always be addressed to the Head of ADO Centre, except when the Head or management is under investigation. When the Head or management is under investigation, communication will be with the Chair of Governors, Local Authority officials or other appropriate governance authorities, as deemed appropriate.

Awarding bodies may communicate directly with members of ADO staff who have been accused of malpractice if the circumstances warrant this, e.g. the staff member is no longer employed or engaged by ADO.

Awarding bodies will only communicate directly with a candidate or the candidate's representative when either the candidate is a private candidate, or the awarding body has chosen to communicate directly with the candidate due to the circumstances of the case. (For example, there is a contradiction in the evidence provided by the candidate and ADO, or ADO is suspected of non-compliance with the regulations.)

In such cases the awarding body will advise the head of ADO in writing that it proposes to deal directly with the candidate. The head of ADO once advised by the awarding body should not ordinarily communicate further with the candidate.

Where requested, the head of ADO must facilitate communications between the awarding body and the individual concerned.

An awarding body reserves the right to share information relevant to malpractice investigations with third parties, for example other awarding bodies, the regulators and other appropriate authorities.

10 The Allegation

Examiners, moderators and external verifiers who suspect malpractice in an examination or assessment will notify the relevant awarding body immediately using the procedures and forms provided by the awarding body.

Where suspected malpractice is identified by ADO, the Head of ADO Centre must submit full details of the case at the earliest opportunity to the relevant awarding body.

Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2a (suspected malpractice-maladministration involving ADO staff) must be used to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website – <http://www.jcq.org.uk/exams-office/malpractice>

Notifications in letter format will be accepted providing the information given covers the same points as Form JCQ/M1 or JCQ/M2a.

Malpractice by a candidate in a controlled assessment, coursework or non-examination assessment component discovered prior to the candidate signing the declaration of authentication need not be reported to the awarding body, but must be dealt with in accordance with ADO's internal procedures. 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 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 ADO's internal procedures.

ADO should not normally give credit for any work submitted which is not the candidate's own work. If any assistance has been given, a note must be made of this on the cover sheet of the candidate's work or other appropriate place.

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

(Note: ADO has been advised that if controlled assessment, coursework, non-examination assessment or portfolio work which is submitted for internal assessment is rejected by ADO 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.)

Allegations of malpractice are sometimes reported to awarding bodies by employers, ADO staff, regulators, funding agencies, candidates, other awarding bodies and members of the public. Sometimes these reports are anonymous.

Where requested, awarding bodies will not disclose the identity of individuals reporting cases of suspected malpractice, unless legally obliged to do so.

Employees-workers making allegations of malpractice within ADO may be protected by the Public Interest Disclosure Act 1998, if:

- The disclosure amounts to a “protected disclosure” (as set out in the relevant legislation);
- The employee- worker is raising a genuine concern in relation to malpractice; and
- The disclosure is made in compliance with the guidelines set out in the legislation and/or ADO’s own Whistleblowing Policy.

For the avoidance of doubt, awarding bodies are not identified in the legislation as bodies to whom protected disclosures can be made. Ofqual, however, is described in the legislation as a body to whom protected disclosures can be made.

Awarding bodies are aware that the reporting of malpractice by a member of staff or a candidate can create a difficult environment for that staff member or candidate.

Accordingly, an awarding body will try to protect the identity of an informant if this is asked for at the time the information is given.

If the information is provided over the telephone, the informant will usually be asked to confirm the allegation in writing.

When an awarding body receives an allegation from someone other than the Head of ADO Centre (including anonymous reports), the awarding body will evaluate the allegation in the light of any available information to see if there is cause to investigate.

11 Response To Allegation

In the case of notifications of suspected malpractice received from examiners, moderators, external verifiers, the regulator or members of the public, (including informants) the awarding body will consider the information provided and decide to:

- Take no further action; or
- Ask the Head of ADO Centre, or another suitably qualified individual, to conduct a full investigation into the alleged malpractice and to submit a written report; or investigate the matter directly.

The awarding body will notify the relevant regulator as soon as it receives sufficient evidence of a potential breach of security. The other awarding bodies which have approved ADO and other appropriate authorities may also be informed.

On receipt of a notification of suspected malpractice, submitted by the Head of ADO Centre, the awarding body will consider the information provided and decide:
to take no further action; or

- If the notification takes the form of a Report, to make a decision on the case in accordance with the procedures, (where the evidence permits) or
- To ask the Head of ADO Centre to carry out a further investigation as described in sections 6.1 to 6.6 and provide further evidence; or
- To investigate the matter further itself.

Regardless of whether the allegation of malpractice is proven or not, in order to ensure the integrity of, and public confidence in, future examinations-assessments, the awarding body may undertake additional inspections and/or monitoring, and or require additional actions.

12 The Investigation

By ADO

It will normally be expected that investigations into allegations of malpractice will be carried out by the Head of ADO Centre. The Head must deal with the investigation in accordance with the deadlines set by the awarding body.

Those responsible for conducting an investigation should seek evidence from which the full facts and circumstances of any alleged malpractice can be established. It should not be assumed that because an allegation has been made, it is true.

The Head should consider that both staff and candidates can be responsible for malpractice.

If the investigation is delegated to another senior member of ADO staff, the Head retains overall responsibility for the investigation. In selecting a suitable senior member of ADO staff the Head must take all reasonable steps to avoid a conflict of interest.

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 individual involved in the suspected malpractice. In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the head of ADO must contact the awarding body as soon as possible to discuss the matter.

If ADO is reporting the suspected malpractice, the awarding bodies recommend that, as a minimum, ADO provides the accused individual(s) with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Reference should also be made to the rights of the accused individuals.

Where the person conducting the investigation deems it necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interviews must be conducted in accordance with ADO's own policy for conducting disciplinary enquiries.

The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour.

However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, in particular he/she is not to answer questions on the interviewee's behalf. An awarding body will not be liable for any professional fees incurred. The Head of ADO Centre is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement.

Persons conducting an investigation should refer to Appendix 3.

By The Awarding Body

The awarding body reserves the right to conduct any investigation where it feels that it is the most appropriate course of action at any stage. The decision making as to who investigates always rests with the awarding body.

An awarding body will not normally withhold from the head of a centre any evidence or material obtained or created during the course of an investigation into an allegation of malpractice. However, it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, the awarding body will provide the evidence and material and will withhold information that would reveal the person's identity, and will explain why the withheld information cannot be provided.

Any material or evidence not provided to the Head of ADO Centre or the accused will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.

If investigations reveal that candidates had prior knowledge of the content of an examination or assessment, the awarding body must attempt to establish whether information could have been divulged to candidates from another centre or to other unauthorised persons.

Sometimes it is necessary for the awarding body to interview a candidate during an investigation. If the candidate is a minor or a vulnerable adult, and if the interview is to be conducted face to face, the awarding bodies undertake to do this only in the presence of an appropriate adult such as the candidate's parent-carer, the Head of ADO Centre, or other senior member of staff with the permission of the Head or parent-carer.

Interviews may also be conducted over the telephone.

When it is necessary for an awarding body member of staff to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor (who may be a representative of a teacher association or other association).

If the individual being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them the opportunity to be similarly supported.

The Head of ADO Centre will be required to make available an appropriate venue for such interviews.

The person accompanying the interviewee should not take an active part in the interview, in particular he/she is not to answer questions on the interviewee's behalf.

The individual being interviewed may also be requested to provide a written statement.

Rights of The Accused Individuals

When, 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) accused of malpractice must:

- Be informed (preferably in writing) of the allegation made against him or her;
- Be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedures can be found on the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>
- Know what evidence there is to support that allegation;
- Know the possible consequences should malpractice be proven;
- Have the opportunity to consider their response to the allegations (if required);
- Have an opportunity to submit a written statement;
- Be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- Be informed of the applicable appeals procedure, (see paragraph 14.1) should a decision be made against him or her;
- Be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.

Responsibility for informing the accused individual rests with the Head of ADO Centre.

In certain circumstances it may be necessary for the Head to exercise discretion, in the light of all the circumstances of the case, as to the timing and the means by which an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

Full details of the awarding body's appeals procedures will be sent to the Head of ADO Centre and or the accused involved in an appeal.

13 The Report

After investigating an allegation of malpractice the Head of ADO Centre must submit a full written report of the case to the relevant awarding body.

The Report should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by ADO;
- The evidence relevant to the allegation, such as written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- Written statement(s) from the candidate(s);
- Any exculpatory evidence and/or mitigating factors;
- Information about ADO's procedures for advising candidates and ADO staff of the awarding bodies' regulations;
- Seating plans showing the exact position of candidates in the examination room;
- Authorised material found in the examination room;
- Any candidate work and any associated material (e.g. source material for coursework) which is relevant to the investigation.

Form JCQ/M1 or Form JCQ/M2b should be used as the basis of the report.

The forms are available from the JCQ website -
<http://www.jcq.org.uk/exams-office/malpractice>

Reports in letter format will be accepted provided the information given covers the same points as the form.

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 ADO Centre will be informed accordingly.

14 The Decision

The Malpractice Committee

In order to determine the outcomes in cases of alleged malpractice awarding bodies may appoint a Panel or Committee composed of internal and or external members experienced in examination and assessment procedures. Alternatively, this function may be allocated to

a named member or members of awarding body staff. In this document the Committee (or awarding body personnel responsible for making decisions in malpractice cases) is referred to as the "Malpractice Committee".

The Committee may be assisted by an awarding body member of staff who has not been directly involved in the investigation.

The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- The work of the Malpractice Committee is confidential.
- Members of the Malpractice Committee are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the Committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter.
- Accused individuals, the head of ADO and their representatives are not entitled to be present at meetings of the Malpractice Committee.

The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation.

Awarding body staff who have directly investigated the case will play no role in the decision making process.

No-one who declares an interest in the outcome of the case will be present in the room when the case is considered.

Information supplied to the Malpractice Committee will be only that which is directly relevant to the case under consideration and which has been made available to the person against whom the allegation has been made. For the avoidance of doubt, where the person against whom the allegation is made receives material that has been subject to redaction (for example of individuals' names), the material that the Malpractice Committee receives will also be redacted.

The person against whom the allegation has been made will be given the opportunity to make a written statement to the Malpractice Committee in light of the material provided.

Making The Decision Overview

In making a decision on any report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Malpractice Committee will then seek to determine:

- Whether malpractice has occurred;

- Where the culpability lies for the malpractice.

If the Malpractice Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- Appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches;
- The nature of any sanction or penalty to be applied.

Making The Decision - Actuals

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied.

The Malpractice Committee will seek to make decisions unanimously, but if necessary may decide by a majority.

The Malpractice Committee will consider, as separate issues:

- Whether or not there has been malpractice; and
- If malpractice is established, whether a sanction should be applied.

When making a decision in a case the Malpractice Committee will:

- Identify the regulation or specification requirement which it is alleged has been broken;
- Establish the facts of the case. Where there are conflicting statements the decision as to whether or not there has been malpractice is made by reference to the facts as disclosed by the case papers;
- Decide whether the facts as so established actually breach the regulations or specification requirements.

If malpractice has occurred, the Malpractice Committee will establish who is responsible for this and;

- Consider any points in mitigation;
- Determine an appropriate level of sanction or penalty, considering the least severe penalty first.

The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but the awarding body may decline to accept the work of the candidates in order to protect the integrity of the qualification for the majority.

In situations where a case is deferred because the Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and the individual against whom the allegation has been made.

In straightforward cases where the evidence is not contested or in doubt, awarding bodies may invoke a summary procedure. A sanction or sanctions may be applied and notified to an individual or ADO following consideration of the case by an awarding body member of staff.

Sanctions and penalties applied under this summary procedure are subject to appeal, as are all other sanctions and penalties resulting from cases of malpractice.

Please see the JCQ publication A guide to the awarding bodies' appeals processes - <http://www.jcq.org.uk/exams-office/appeals>

15 Sanctions and Penalties

Awarding bodies impose sanctions and penalties on individuals and on centres (such as ADO) responsible for malpractice in order to:

- Minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- Maintain the confidence of the public in the delivery and awarding of qualifications;
- Ensure as a minimum that there is nothing to gain from breaking the regulations;
- Deter others from doing likewise.

Awarding bodies will normally impose sanctions and penalties on individuals found guilty of malpractice. These will usually be the candidate(s) or the responsible member(s) of staff. However, if malpractice is judged to be the result of a serious management failure within ADO, the awarding body may apply sanctions against the ADO as an organisation.

In these cases the awarding body may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.

Awarding bodies will endeavour to protect candidates who, through no fault of their own, are caught up in a malpractice incident.

It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual candidates and it may not be possible to give those candidates a result, or permit a result to be retained.

When considering the action to be taken, awarding bodies will balance responsibilities towards the rest of the cohort and the individuals caught up in the malpractice incident. Results may also not be issued or may be revoked in cases where malpractice has occurred but it was not established clearly who was to blame.

In cases where it is not reasonable or possible to determine responsibility for malpractice, and where it is clear that the integrity of the examination or assessment has been impaired

in respect of an individual or individuals, the awarding body may decide not to accept the work submitted or undertaken for assessment, or may decide it would be unsafe to make awards or permit awards to be retained.

In these cases the candidate(s) may re-take, where available, the examination/assessment at the next opportunity or, where the qualification permits, provide additional proof of competence.

The awarding bodies have agreed that sanctions and penalties will be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction or penalty for a particular offence is set out in *Appendices 4 and 5*.

Awarding bodies reserve the right to apply sanctions and penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

As no assumptions can be made about the intentions underlying an individual's actions, sanctions and penalties will be based only on the evidence available.

All sanctions and penalties must be justifiable and reasonable in their scale, and consistent in their application.

If the examination is one of a series, sanctions and penalties will only apply to the series in which the offence has been committed and possible future series.

(If evidence comes to light some considerable time after the offence, a sanction or penalty may still be applied to the series in which the offence was committed and later series.)

If assessment is continuous, sanctions and penalties will be applied to the submission in which the malpractice occurred and may impact upon future submissions.

For consistency of approach in the application of sanctions and penalties, awarding bodies will not take into account the consequential effects (for example on university applications) of any particular sanction or penalty which might arise from circumstances of the individual.

A permanent record will be kept of the effect of any sanctions or penalties on an individual's results.

All other information relating to specific instances of malpractice or irregularities will be destroyed after seven years.

The head of ADO Centre should inform those individuals found guilty of malpractice that information may be passed onto other awarding bodies and/or other appropriate authorities.

This information will typically include the names, offences and sanctions applied to those found guilty of breaching the published regulations.

Sanctions and Penalties for ADO Staff Malpractice –Individuals

In cases of ADO staff malpractice, the primary role of the awarding body is to consider whether the integrity of its examinations and assessments have been placed in jeopardy. The awarding body will consider whether that integrity might be jeopardised if an individual found to have committed malpractice were to be involved in the future conduct, supervision or administration of the awarding body's examinations or assessments.

It is not the role of the awarding body to be involved in any matter affecting the member of staff's or contractor's contractual relationship with his/her employer or engager.

Awarding bodies recognise that employers may take a different view of an allegation to that determined by the awarding body or its Malpractice Committee.

An employer may wish to finalise its decision after the awarding body or its Malpractice Committee has reached its conclusion.

In determining the appropriate sanction or penalty, the awarding body will consider factors including:

- The potential risk to the integrity of the examination or assessment;
- The potential adverse impact on candidates;
- The number of candidates and/or centres affected; and
- The potential risk to those relying on the qualification (e.g. employers or members of the public).

The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

Where a member of staff or contractor has been found guilty of malpractice, an awarding body may impose one or more of the following sanctions or penalties:

- Written Warning - Issue the member of staff with a written warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.
- Training - Require the member of staff, as a condition of future involvement in its examinations and or assessments, to undertake specific training or mentoring within a particular period of time and a review process at the end of the training.
- Special Conditions - Impose special conditions on the future involvement in its examinations and/or assessments by the member of staff, whether this involves the internal assessment, the conduct, supervision or administration of its examinations and assessments.

- Suspension - Bar the member of staff from all involvement in the delivery or administration of its examinations and assessments for a set period of time. Other awarding bodies and the regulators may be informed when a suspension is imposed.

These sanctions will be notified to the Head of ADO Centre who will be required to ensure that they are carried out.

If a member of staff moves to another centre while being subject to a sanction, the Head of ADO Centre must notify the awarding body of the move. Awarding bodies reserve the right to inform the head of centre to which the staff member is moving to, as to the nature of, and the reason for, the sanction.

The awarding body may, at its discretion, ask for monitoring activity to be undertaken, or a plan devised to provide assurance that sanctions against ADO staff are being appropriately applied. Such requirements are distinct and separate from the sanctions previously described.

The awarding bodies will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

Not all the sanctions are applicable to every type of qualification or circumstance.

These penalties may be applied individually or in combination. The table in Appendix 4 shows how the sanctions might be applied.

Sanctions and Penalties for ADO Malpractice – Company

Awarding bodies may, at their discretion, impose the following sanctions against ADO:

- Written Warning - A letter to the Head of ADO Centre advising of the breach (including the Report) and advising of the further action that may be taken (including the application of penalties and special conditions) should there be a recurrence of this breach, or subsequent breaches at ADO.
- Review and Report (Action Plans) - The Head will be required to review ADO's procedures for the conduct or administration of a particular examination-assessment, or all examinations-assessments in general. The Head of ADO Centre will additionally be required to report back to the awarding body on improvements implemented by a set date. Alternatively, an action plan will be agreed between the awarding body and ADO, and will need to be implemented as a condition of continuing to accept entries or registrations from ADO.
- Approval of Specific Assessment Tasks - The approval by the awarding body of specific assessment tasks in situations where these are normally left to the discretion of ADO.

- **Additional Monitoring or Inspection** - The awarding body may increase, at ADO's expense, the normal level of monitoring that takes place in relation to the qualification(s). Alternatively, the JCQ Centre Inspection Service may be notified of the breach of regulations and may randomly, without prior warning, inspect ADO over and above the normal schedule for inspections. (The JCQ Centre Inspection Service operates in relation to general qualifications and examined vocational qualifications.)
- **Removal of Direct Claims Status** - Direct claims status may be removed from ADO in which case all claims for certification must be authorised by ADO's external verifier. (This sanction only applies to NVQs and similarly assessed and verified qualifications.)
- **Restrictions on Examination and Assessment Materials** - For a specified period of time ADO will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used. These papers will be opened and distributed under the supervision of the awarding body officer (or appointed agent) responsible for the delivery. ADO might also be required to hand over to an awarding body officer (or appointed agent) the completed scripts and any relevant accompanying documentation, as opposed to using the normal script collection or despatch procedures. These measures may be applied for selected subjects or all subjects.
- **Independent Invigilators** - The appointment for a specified period of time, at ADO's expense, of independent invigilators to ensure the conduct of examinations and or assessments is in accordance with the published regulations.
- **Suspension of Candidate Registrations or Entries** - An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to accept candidate entries or registrations from ADO. This may be applied for selected subjects-occupational areas or all subjects-occupational areas.
- **Suspension of Certification** - An awarding body may, for a period of time, or until a specific matter has been rectified, refuse to issue certificates to candidates from ADO. (This only applies to NVQs and similar types of qualifications.)
- **Withdrawal of Approval for a Specific Qualification(s)** - An awarding body may withdraw the approval of ADO to offer one or more qualifications issued by that awarding body.
- **Withdrawal of Centre Recognition** - The awarding body may withdraw recognition or approval for ADO. This means as a result that ADO will not be able to deliver or offer students the respective awarding body's qualifications. The regulators, awarding bodies and other appropriate authorities will be informed of this action. At the time of withdrawal of centre recognition, where determined by an awarding body, ADO will be informed of the earliest date at which it can re-apply for registration and any measures it will need to take prior to this application. If ADO were to have centre

recognition withdrawn they should not assume that re-approval will be treated as a formality.

Any expense incurred in ensuring compliance with the penalties and or special conditions must be borne by ADO.

If the Head of ADO Centre leaves whilst ADO is subject to any sanctions or special measures, the awarding body will, if approached to do so, review the need for the continuation of these measures with the new Head.

Sanctions and Penalties Applied Against Candidates

The awarding bodies will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved.

Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

These penalties may be applied individually or in combination. The table in *Appendix 5* shows how the sanctions and penalties might be applied.

Awarding bodies may, at their discretion, impose the following sanctions against candidates:

- Warning (1) - The candidate is issued with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.
- Loss of all marks for a section (2) - The candidate loses all the marks gained for a discrete section of the work. A section may be part of a component, or a single piece of non-examination assessment if this consists of several items.
- Loss of all marks for a component (3) - The candidate loses all the marks gained for a component. A component is more often a feature of a linear qualification than a unitised qualification, and so this penalty can be regarded as an alternative to penalty 4. Some units also have components, in which case a level of penalty between numbers 2 and 4 is possible.
- Loss of all marks for a unit (4) - The candidate loses all the marks gained for a unit. This penalty can only be applied to qualifications which are unitised. For linear qualifications, the option is penalty 3. This penalty usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.
- Disqualification from a unit (5) - The candidate is disqualified from the unit. This penalty is only available if the qualification is unitised. For linear qualifications the option is penalty 7. The effect of this penalty is to prevent the candidate aggregating or requesting certification in that series, if the candidate has applied for it.

- Disqualification from all units in one or more qualifications (6) - If circumstances suggest, penalty 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous examination series are retained.) This penalty is only available if the qualification is unitised. For linear qualifications the option is penalty 8.
- Disqualification from a whole qualification (7) - The candidate is disqualified from the whole qualification taken in that series or academic year. This penalty can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a candidate has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.
- Disqualification from all qualifications taken in that series (8) - If circumstances suggest, penalty 7 may be applied to other qualifications. This penalty can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a candidate has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.
- Candidate debarred (9) - The candidate is barred from entering for one or more examinations for a set period of time. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

Unless a penalty is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification, may re-take the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

Candidates in England are not able to re-take individual GCSE units at a later series (legacy GCSE specifications). They will have to re-take the whole subject, carrying forward the controlled assessment mark. This means that candidates will generally have to wait twelve months before re-taking the examination(s).

The Head of ADO Centre may wish to take further action themselves in cases of candidate malpractice.

Communicating Decisions

Once a decision has been made, it will be communicated in writing to the Head of ADO Centre as soon as possible.

It is the responsibility of the Head to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

The majority of malpractice cases are confidential between ADO, the individual who engaged in the malpractice and the awarding body.

However, in cases of serious malpractice, where the threat to the integrity of the examination or assessment is such as to outweigh a duty of confidentiality, it will normally be necessary for information to be exchanged amongst:

- The regulators;
- Other awarding bodies; and
- Other centres where the malpractice may affect the delivery of an awarding body's qualification.

In accordance with the requirements of the General Conditions of Recognition, the awarding body will report cases of ADO staff malpractice to the regulators if the circumstances of the case are likely to meet the definition of an Adverse Effect as defined in Condition B3.2 of the General Conditions of Recognition.

This will include details of the action taken by the head of ADO, the governing body or the responsible employer. Other awarding bodies and other appropriate authorities will also be informed.

In serious cases of ADO staff malpractice, the awarding bodies reserve the right to share information with professional bodies such as the National College for Teaching and Leadership.

It is the responsibility of the Head of ADO Centre to inform the accused individual that the awarding body may share information in accordance with this policy.

16 Appeals

The awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions.

The following individuals have a right to appeal against decisions of the Malpractice Committee or officers acting on its behalf.

- The Head of ADO Centre, who may appeal against sanctions imposed on ADO or on ADO staff, as well as on behalf of candidates entered or registered through ADO.
- Members of ADO staff, or examining personnel contracted to ADO, who may appeal against sanctions imposed on them personally.
- Private candidates.
- Third parties who have been barred from examinations or assessments of the awarding body.

Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions.

Further information may be found in the JCQ publication 'A guide to the awarding bodies' appeals processes - <http://www.jcq.org.uk/exams-office/appeals>
This booklet provides details of the awarding bodies' appeals processes.

17 Complaints

Stage One Complaint

Informal

If students or parent-carers have any reasons for concern or are unhappy about any aspect of our decisions, you should in the first instance raise the matter with the educator in charge.

For students, your concerns should be directed at your Lead Educator or Exams Officer in the first instance. The issue should be raised in the form of a short informal meeting. The complaint should be concise and there should be an action raised for the ADO staff member to address and find a solution. The ADO staff member will also liaise with their line manager as part of internal process and advice on finding a solution. The complaint will be treated confidentially. The complainant will be fully supported throughout without judgement.

If the complaint is resolved, the issue and outcome will be forwarded to the Quality Assurance Manager to be securely stored for future reference. This allows for continuity to help resolve any Stage Two complaints if they develop in the future. Communication will be made to the complainant documenting the outcome for their records. This allows for continuity to help resolve any future complaints or provide findings for any Stage Two complaints.

At this stage, the complaint shall be considered Informal. If the complainant is still unhappy and wishes to escalate, they will raise the complaint to Stage Two on appeal.

Escalation - Stage Two Complaint - Formal - Quality Assurance Manager

A Stage Two complaint must be in writing.

The complaint can be dealt with by the Quality Assurance Manager/ Quality Nominee. We aim to acknowledge response to any complaints within 3 days of the completed form being received. In the case of malpractice or maladministration, the response time will be within 24 hours. If you feel that your complaint may be compromised and it is deemed serious enough to escalate immediately, you should skip the informal stage one complaint and escalate immediately to Stage Two - Formal. For any complaints against malpractice or maladministration, these should always be directed straight to Stage Two, as your educator or assessor's position will automatically be compromised by such claims. At the point of formal complaint, for all students, the Quality Assurance Manager will review the written complaint and respond accordingly. This response may be in writing or could involve a follow up meeting with the complainant.

ADO would naturally follow Pearson procedures and processes in an event like this occurring.

For students, if malpractice or maladministration is identified at the core of the complaint a short internal investigation will immediately identify whether the complaint is directed at ADO staff or another student(s). If there is suspected malpractice or maladministration, an immediate internal escalation to Stage Three will be actioned accordingly.

Escalation – Stage Three Complaint – Formal – Chief Operating Officer

If the complainant is still unhappy with resolutions or wishes to escalate further, a second appeal is made against a Stage Two compliant. The matter must be appealed to the Chief Operating Officer again, with a request to be escalated to Stage Three Complaint. At this point our legal advisors will be provided with any evidence, reports or findings for their records. It is still our prerogative to support the complainant and offer solutions. At this stage a thorough internal investigation will be carried out and a report will be written for evidence. In addition to our internal processes, we would follow the policies and procedures specifically set by Pearson with Malpractice and Maladaptation in mind.

Appendix 1

Sources of information

The following documents contain, in addition to the requirements found in subject or qualification specifications, the regulations relating to the conduct of examinations and assessments. In all cases the most recent version of the regulations must be referred to.

The following JCQ documents are available on the JCQ website:

Booklets:

A guide to the awarding bodies' appeals processes

A guide to the special consideration process

Access Arrangements and Reasonable Adjustments, 1 September 2017 to 31 August 2018

General Regulations for Approved Centres, 1 September 2017 to 31 August 2018

Instructions for conducting controlled assessments, 1 September 2017 to 31 August 2018

Instructions for conducting coursework, 1 September 2017 to 31 August 2018

Instructions for conducting examinations, 1 September 2017 to 31 August 2018

Instructions for conducting non-examination assessments, 1 September 2017 to 31 August 2018

Post-Results Services – Information and guidance to centres (June 2017 and November 2017 examination series)

Joint Council Notices:

Information for candidates (controlled assessments)

Information for candidates (coursework)

Information for candidates (non-examination assessments)

Information for candidates (on-screen tests)

Information for candidates (Privacy Notice)

Information for candidates (social media)

Information for candidates (written examinations)

Mobile Phone poster

Smart Watch Poster
Plagiarism in Examinations, Guidance to Teachers/Assessors
Warning to Candidates

The following awarding body documents are also available:

AQA

AQA General Regulations

AQA Examinations Updates

City & Guilds

City & Guilds General Regulations

City & Guilds Centre Manual

CCEA

Examinations Administration Handbook

OCR

Subject-specific Administrative Guides

Pearson

Centre Guidance: Dealing with malpractice

Subject-specific Instructions for the conduct of examinations

WJEC

Examinations Requirements booklet

WJEC Internal Assessment Manual

Malpractice – A guide for centres

Regulatory documents are available on the regulators' websites.

Appendix 2

Examples of malpractice

The following are examples of malpractice. This is not an exhaustive list and as such does not limit the scope of the definitions set out earlier in this document.

Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

Part 1 ADO Staff Malpractice

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 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 within the JCQ publication Instructions for conducting examinations. Conducting an examination before the published date constitutes ADO staff malpractice and a clear breach of security;
- Failing to adequately supervise candidates who have been affected by a timetable variation; (This would apply to candidates subject to overnight supervision by ADO 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 prior to 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, controlled assessments, coursework or non-examination assessments 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.)
- Failing to keep candidates' computer files secure which contain controlled assessments, coursework or non-examination assessments.

Deception

Any act of dishonesty in relation to an examination or assessment including, but not limited to:

- Inventing or changing marks for internally assessed components (e.g. non-examination assessments) 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 authentication statements;
- 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, coursework or non-examination assessment 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 or actual advantage in an examination or assessment. For example:

- Assisting candidates in the production of controlled assessment, coursework, non-examination assessment or portfolios, beyond that permitted by the regulations;
- Sharing or lending candidates' controlled assessment, coursework or non-examination assessment 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, 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.

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 whether an 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 alleged, suspected or actual incidents of malpractice.

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or malpractice 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, etc. For example:

- Failing to ensure that candidates' controlled assessment, coursework, non-examination assessment or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised;
- Failure, on the part of the head of ADO, to give all candidates the opportunity to undertake the GCSE English Language Spoken Language Endorsement and/or the GCE A-level Biology, Chemistry and Physics Practical Skills Endorsement, which is a breach of specification requirements. In the first instance, the awarding body will inform other awarding bodies and the regulator, and ADO's arrangements for the next cohort will be closely monitored. Following monitoring, a repeat of this breach of specification requirements will usually lead to a referral of the case to the awarding body's Malpractice Committee for their decision regarding the most appropriate action;

- Inappropriate members of staff assessing candidates for access arrangements who do 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 to or 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.)
- 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 examinations in accordance with the JCQ publication Instructions for conducting examinations;
- Failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements;
- Failure to have on file for inspection purposes appropriate evidence, as per the JCQ publication Access Arrangements and Reasonable Adjustments, to substantiate approved access arrangements processed electronically using the Access arrangements online system;
- Granting access arrangements to candidates who do not meet the requirements of the JCQ publication Access Arrangements and Reasonable Adjustments;
- 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, coursework or non-examination assessments securely after the authentication statements have been signed or the work has been marked;
- Failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner;
- Failing to despatch candidates' scripts, controlled assessments, coursework or non-examination assessments to the awarding bodies, examiners or moderators in a timely way;
- Failing to notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice;

- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body;
- Breaching the published arrangements for the release of examination results;
- 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 technology to aid the copying);
- Allowing work to be copied e.g. posting work 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);
- Failing to report to ADO or awarding body the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information on-line;
- 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 assessment, coursework, non-examination assessment or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessment, coursework, non-examination assessment or assisting others in the production of controlled assessment, coursework or non-examination assessment;
- 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, non-examination assessments 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 or reproduction of 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 (when prohibited), dictionaries (when prohibited), instruments which can

capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers, Smartwatches or other similar electronic devices;

- The unauthorised use of a memory stick or similar device where a candidate uses a word processor;
- Facilitating malpractice on the part of other candidates;
- Behaving in a manner so as to undermine the integrity of the examination.

Appendix 3

Appendix 3 is a guide to investigating an allegation of malpractice. The person investigating an allegation of malpractice within ADO must organise an investigation into the alleged malpractice and then submit a report to the awarding body.

There must not be a conflict of interest between the person conducting the investigation and the individual(s) accused of malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

The investigation must determine:

- Who was involved in the incident, including candidates, members of staff and/or invigilators;
- The facts of the case, as established from evidence and/or statements from those involved.

The report submitted to the awarding body must include:

- A clear account, as detailed as necessary, of the circumstances;
- Details of the investigations carried out by ADO;
- Written statements from any teachers, invigilators or other members of staff concerned, which must be signed and dated;
- Written statements from the candidates concerned, which must be signed and dated;
- Any other evidence relevant to the allegation.

Where appropriate:

- Information about how ADO makes candidates aware of the awarding bodies' regulations;
- Seating plans;
- Any unauthorised material found in the examination room;
- Photographic evidence of any material written on hands/clothing etc.;
- Any candidate work/associated material which is relevant to the investigation;
- Any other relevant evidence.

Individuals accused of malpractice must be made fully aware at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should

malpractice be proven. They must also be given the opportunity to respond, preferably in writing, to the allegation made against them.

Form JCQ/M2(b) which can be found at <http://www.jcq.org.uk/exams-office/malpractice> must be used as the basis of the report. The checklist at the end of the form needs to be completed and submitted with the report.

If an allegation is delegated to a senior member of ADO staff, the Head of ADO Centre retains overall responsibility for the investigation.

In selecting a suitable senior member of staff the Head of ADO Centre must take all reasonable steps to avoid a conflict of interest.

Where a conflict of interest may be seen to arise, investigations into suspected malpractice must not be delegated to the manager of the team or individual involved in the suspected malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

Reports, evidence and supporting statements must be sent to the awarding body concerned.

Please do not hesitate to contact the Malpractice Team at the relevant awarding body for advice and guidance should you, at any stage, be unsure of what to do.

Appendix 4

Indicative Sanctions Against Centres (Such As ADO) - Proposed	Broad Reason For The Sanction
Written warning	Minor non-compliance with the regulations or maladministration with no direct or immediate threat to the integrity of an examination or assessment
Review and report (Action plans)	Breach of procedures or regulations which if left unchecked could result in a threat to the examination or assessment
Approval of specific assessment tasks	Failure in a specific subject or sector area relating to the nature of the assessment tasks chosen
Additional monitoring or inspection	Failure of centre's (ADO's) systems resulting in poor management of the examination or assessment, or inadequate invigilation
Removal of Direct Claims status	Loss of confidence in the ability of centre (ADO) to assess and verify candidates' portfolios satisfactorily
Restrictions on examination or assessment materials	Failure to maintain the security of examination or assessment materials
The deployment of independent invigilators	Loss of confidence in centre's (ADO's) ability to invigilate examinations

Suspension of candidate registrations	Threat to the interest of candidates registered on the qualification
Suspension of certification	Loss of the integrity of assessment decisions; danger of invalid claims for certification
Withdrawal of approval for specific qualification(s)	Repeated breach of the regulations relating to a specific qualification. Alternatively, a breakdown in management and quality assurance arrangements for a specific qualification or sector/subject area
Withdrawal of centre recognition	Loss of confidence in the Head of Centre (ADO) or senior management of centre (ADO). Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by centre (ADO). Failure to co-operate with awarding body requests to thoroughly investigate suspected malpractice. Failure to implement a specified action plan