

Company Policy Procedure	COM-006	Issue Number	11
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Qualification Malpractice and Maladministration		Originator	Peter Hurlstone
		Amended by	Peter Hurlstone
		Approved by	Peter Hurlstone

1. Introduction

SETA follows the latest version of the document titled 'Suspected Malpractice Policies and Procedures' written for centers by the 'Joint Council for Qualifications' (JCQ). The document has been followed in the production of this policy for dealing with suspected maladministration and malpractice.

2. Aims and Objectives

This procedure aims to:

1. *Identify and minimise the risk of malpractice and maladministration by SETA's staff*
2. *Identify and minimise the risk of malpractice and maladministration by Learners*
3. *To respond to any incident of alleged malpractice and/or maladministration promptly and objectively*
4. *To Standardise and record any investigation of malpractice and/or maladministration to ensure openness and fairness*
5. *To impose appropriate penalties and/or sanctions on learners or staff where Incidents (or attempted incidents) of malpractice and/or maladministration and are proven*
6. *To protect the integrity of SETA and its Awarding Body and Organisations Qualifications*

3. Definitions

Malpractice

This is a deliberate activity, neglect, default, or other practice that compromises the integrity of a regulated qualification assessment process, materials and/or the validity of Certification. For this policy, the term also covers misconduct and forms of unnecessary discrimination or bias towards certain individuals or groups of Learners.

Maladministration

This is an activity, neglect, default, or other practice that results in SETA Staff and Learners not complying with the specified requirements for the delivery of regulated qualifications or units of accreditation.

4. Examples of Malpractice

Malpractice by SETA Staff Regarding Regulated Qualifications

This applies to all staff members including internal quality assurers, assessors, teachers and invigilators. The following examples of staff malpractice, although not exhaustive, could be:

- *Any act of dishonesty regarding the assessment and internal verification process*
- *Any act of dishonesty regarding the delivery of examinations*
- *The alteration of any results document, including certificates*
- *Giving inappropriate assistance to a Learner or Learners where they could gain an advantage in an assessment or examination*
- *A breach of security breaking the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of a Learners work or documentation*
- *Failure to implement the control of documents and administrative procedures for examinations and assessments in the centre and the Learners place of work*

- *Failure to implement the control of coursework, mark sheets, assessment records, results and certification forms*

Malpractice by Learners Regarding Regulated Qualifications

This applies to all Learners. The following examples of malpractice, although not exhaustive, could be:

- *Plagiarism of any nature, including the use of Artificial Intelligence (AI); unacknowledged copying from published sources or incomplete referencing*
- *Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work*
- *Copying other Learners work (including the use of ICT to aid copying)*
- *Allowing another Learner to copy their work*
- *Deliberate destruction of another's work*
- *Fabrication of results or evidence*
- *False declaration of authenticity in relation to the contents of a portfolio or coursework*
- *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 an assessment/examination/test*
- *theft of another Learner's work*
- *the inclusion of inappropriate, offensive or obscene material in scripts, coursework or portfolios*
- *collusion: working collaboratively with other Learners, beyond what is permitted*

4. Examples of Maladministration

Maladministration by SETA Staff Regarding Regulated Qualifications

This applies to all staff members including Internal Quality Assurers, Assessors, Teachers and Invigilators. The following examples of staff maladministration, although not exhaustive, could be:

- *SETA applying incorrect marks to an assessment*
- *SETA claiming an incorrect certificate or result and/or issuing it to Learners*
- *Making inaccurate claims for multiple learners, including spelling mistakes*
- *Claims made for learners who have not fully completed the qualification*
- *Failure to follow procedures when entering learner data or recording assessment decisions*
- *Inaccurate production of assessment records*
- *Negligent or uninformed destruction of assessment or qualification records*
- *Failure to keep unseen assessment papers or marking schemes secure prior to assessment*
- *Failure to keep learner data secure*
- *Late Certification/Late Registration*

Maladministration by Learners Regarding Regulated Qualifications

This applies to all Learners. The following examples of maladministration, although not exhaustive, could be:

- *No fully completing Assessment materials, such as missing out signatures and dates*
- *Supplying the wrong personal information, such as their date of birth or incorrectly spelling their name*
- *Failing to comply with examination rules and requirements, such as adding graffiti or writing where they are prohibited on exam papers*

5. Suspected Malpractice and Maladministration Identified by the Centre

Where there is suspected malpractice or maladministration within the centre, the details of the case should be submitted in full at the earliest opportunity to the awarding body by the Centre Compliance Manager.

Investigation in a form commensurate with the nature of the malpractice allegation will be conducted by the Centre Compliance Manager and recorded on one of the following JCQ provided documents:

1. JCQ-M1 - Suspected Learner Malpractice **(Please See Annex A)**
2. JCQ-M2 - Notification of suspected malpractice/maladministration involving centre staff **(Please See Annex B)**
3. JCQ-M3 - Report into suspected malpractice/maladministration involving centre staff **(Please See Annex C)**

The individual will be:

- Made fully aware at the earliest opportunity (no later than 5 working days) of the nature of the alleged malpractice and of the possible consequences should malpractice be proven
- Given the opportunity to respond to the allegations made and their thoughts and comments will be collected and documented on the appropriate form being used **(Please See Annex A, B or C)**
- Given the full details of the avenues for appealing against any judgment

Where investigations into malpractice and maladministration are carried out by an Awarding Body, the Centre Compliance Manager and the Lead Internal Quality Assurer will liaise with them.

6. Actions for Malpractice

SETA will impose the penalties listed in the table below on individuals found guilty of malpractice 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 that there is nothing to gain from breaking the regulations
- deter others from doing likewise

Learner Actions

Type of offence	Verbal Warning (Action 1)	Loss of Marks (Aggregation Still Permitted) (Actions 2, 3 and 4)	Loss of Aggregation or Certification Opportunity (Actions 5, 6, 7, 8 and 9)
Collusion <i>Working collaboratively with other Learners beyond what is permitted</i>	Collaborative work is apparent in a few areas, but possibly due to teacher advice; Learner unaware of the regulations	Collaborative work begins to affect the assessor's ability to award a fair mark to individual Learners	The work of Learners reflects extensive similarities and identical passages, possibly due to deliberate attempts to share work
Authenticity <i>Making a false declaration of authenticity</i>		Sections of work done by others, but most still the work of the Learner.	Most or all the work is not that of the Learner
Inappropriate Material <i>The inclusion of inappropriate, offensive or obscene material in scripts, coursework or portfolios</i>	Isolated words or drawings, mildly offensive, inappropriate approaches or responses	Frequent mild obscenities in script. Isolated mild obscenities or mildly offensive comments aimed at examiners or member of staff	Offensive comments or obscenities aimed at a member of staff, assessor or religious group; racist, lewd remarks or drawings
Theft <i>A Learners work is stolen</i>			Taking somebody else's work (project/ coursework) to pass it off as one's own
Standard Actions:			
1. Verbal Warning 2. Loss of marks gained for a section 3. Loss of all the marks gained for a component 4. Loss of all the marks gained for a unit 5. Disqualification from the unit		6. Disqualification from all units in one or more qualifications taken in the series 7. Disqualification from the whole qualification 8. Disqualification from all qualifications taken in that series 9. Barred from entering for examinations for a set period	

SETA Staff Actions

Any staff proven to have been carrying out Malpractice will be reprimanded and be subject to SETA's disciplinary Procedure (**Please see STF-012 – Disciplinary**).

Containment

If a Staff member or Learner is under investigation, SETA may suspend them from the centre until the investigation is complete. SETA's Disciplinary process for Staff and Learners may be triggered.

7. Steps SETA takes to assist in the elimination of malpractice

During the course Induction period, SETA aims to avoid potential malpractice by running sessions going through the BTEC/HNC learner handbook and SETA's own Technical Certification handbook. This helps inform learners of SETA's policy on malpractice and the penalties for attempted and actual incidents of malpractice.

All cited texts and other materials or information sources they quote are referenced accordingly within their assignments. This helps learners provide evidence that they have interpreted and synthesised appropriate information and have acknowledged any sources used.

8. Registration, Transfer and Certification Claims Maladministration

SETA's robust Registration, Transfer and Certification Claims process (**Please see COM-008 - Vocational Qualification Registration, Claims and Portfolio Control and COM-024 - Pearson Qualification Registration, Claims and Portfolio Control**), is controlled by the Centre Compliance Manager and followed by all staff involved. No Registration, Transfer or Certification Claim will be processed unless this process is correctly adhered to.

It is possible, however, that due to the difference in nature of the various Awarding Body and Awarding Organisations Registration, Transfer and Certification Claims systems, human error can occur, which is the reason why certain things are checked at various stages as described within the document.

If errors are found at any one stage of this process, or maladministration is suspected (for example, a Certificate arrives when there is no known claim having been authorised), the Centre Compliance Manager will carry out an investigation by completing on an Investigation form (**Please see Annex A, B and C**). This will then be communicated to the Awarding Body or Awarding Organisation.

All instances of maladministration are investigated with a view to supporting the staff member at fault.

9. References

JCQ

Suspected Malpractice Policies and Procedures

<https://www.jcq.org.uk/exams-office/malpractice/>

10. Review

The Centre Compliance Manager will review this procedure with SETA's FE Manager and Workshop Manager annually.

Examination/assessment details

Qualification or specification code	Qualification or specification title
Component/unit code/batch number	Component/unit title

Name(s) of invigilator(s)/assessment personnel or other witness/witnesses

Name	Role

Complete Sections A, B, C and D as indicated.

Section A (All qualifications)

Describe the nature of the suspected candidate malpractice including details as to how it was discovered, by whom and when.

Section B (Vocational qualifications only)

Describe how the candidates were made aware of the examination or assessment regulations.

Section C (All general qualifications and other qualifications if applicable)

Examinations

Was the *Warning to Candidates* displayed outside the examination room? (either by means of a projector or in hard copy paper format)

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Had the candidate(s) been issued with a copy of the *Information for candidates?* (either electronically or a paper version)

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Were candidates reminded of examination regulations at the beginning of this particular examination?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Coursework/non-examination assessment

Had the candidate(s) been issued with a declaration of authentication?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Had the candidate(s) signed the declaration of authentication stating that all work completed was the candidate's own?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Was the *Information for candidates* issued to the candidate(s) prior to signing the declaration of authentication?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Section D (All qualifications)

If the incident involves disruptive behaviour, did the candidate's behaviour cause disturbance to other candidates?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

If the answer to the above question is yes and you wish to request special consideration for other candidates, please submit an application for special consideration in the normal way.

If the incident involves the introduction of unauthorised material, is a copy/image of the unauthorised material enclosed?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

If the answer to the above question is no, please give a detailed description of the unauthorised material and an explanation of why a copy/image has not been provided.

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If the case involves plagiarism, please provide full details (i.e. title, author, edition, website, AI tool, etc.) of the material plagiarised and include copies.

--

If there are any other details you feel are relevant to this allegation, including mitigating circumstances, please give further information below.

--

Supporting information

Please indicate below the supporting information submitted with this report. All relevant information and materials **must** be submitted at this time. Information submitted subsequently may not be considered.

Please ensure that all supporting documents are scanned and attached (preferably as PDF documents) to the same email.

Information submitted with this form	
Statement(s) from invigilator(s)	<input type="checkbox"/>
Statement from teacher/tutor/head of subject/assessor/internal verifier	<input type="checkbox"/>
Statement from examinations officer	<input type="checkbox"/>
Statement(s) from candidate(s)	<input type="checkbox"/>
Statement from employer	<input type="checkbox"/>
Seating plan of examination room	<input type="checkbox"/>
Unauthorised material removed from the candidate(s)	<input type="checkbox"/>
Copies of sources of plagiarised material	<input type="checkbox"/>
Assessment and Internal Verification or Moderation records	<input type="checkbox"/>
Other (please give details)	<input type="checkbox"/>

- ☐ If statement(s) from the candidate(s) is/are not enclosed, please put a cross in this box to indicate that the candidate(s) has/have been given the opportunity to make a statement, but has/have chosen not to do so.

Report of suspected candidate malpractice

This checklist is intended to assist centres when completing a report of suspected candidate malpractice.

It is the responsibility of the head of centre to ensure that these requirements have been met.

Reference is made to the requirements detailed in the JCQ document:

Suspected Malpractice: Policies and Procedures:

<http://www.jcq.org.uk/exams-office/malpractice>

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The candidate(s) has/have been informed of their individual responsibilities and rights (section 5.33).	<input type="checkbox"/>	<input type="checkbox"/>
2.	A candidate or candidates accused of malpractice:		
	<ul style="list-style-type: none"> has/have been informed (preferably in writing) of the allegation made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been advised that a copy of the JCQ document <i>Suspected Malpractice: Policies and Procedures</i> can be found on the JCQ website; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know(s) what evidence there is to support the allegation; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know(s) the possible consequences should malpractice be proven; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had the opportunity to consider their response to the allegations (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had an opportunity to submit a written statement; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been informed of the applicable appeals procedure should a decision be made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been 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. 	<input type="checkbox"/>	<input type="checkbox"/>

To be completed by the head of centre

Name (please print)		Tel no.	
Signature*		Date	

* Submission by email from the centre's registered email address will be accepted in place of a signature.

NOTES ON THE COMPLETION OF FORM JCQ/M1

This form **must** be used by the head of the centre to notify the appropriate awarding body of an instance of suspected candidate malpractice in the conduct of examinations or assessments. It can also be used to provide a report on investigations into instances of suspected malpractice.

In order to prevent the issue of erroneous results and certificates, it is essential that the awarding body concerned is notified immediately of instances of suspected candidate malpractice.

Full details of the procedures which **must** be followed when investigating cases of suspected malpractice can be found in the JCQ document: *Suspected Malpractice: Policies and Procedures*: <http://www.jcq.org.uk/exams-office/malpractice>

Reports on investigations from centres **must** include:

- a detailed account of the circumstances surrounding the suspected candidate malpractice including, in the case of disruptive behaviour, an indication as to whether the behaviour continued after warnings were given, and whether the candidate was removed from the examination room/assessment situation or not;
- the procedures for advising candidates of the regulations concerning the conduct of examinations and/or assessments;
- a report of any investigation carried out subsequently by the centre;
- signed and dated statements from the staff concerned (e.g. invigilators, assessors, teachers, tutors, etc.) on the centre's official letterheaded paper;
- signed and dated statements from the candidate(s) concerned or a clear indication that they have been given the opportunity to make a statement; (In circumstances which make it inappropriate to interview the candidate, the centre should discuss the case in confidence with the awarding body.)
- seating plans of the examination room (if appropriate).

This form is intended to be used as the basis for the report.

This form and supporting information should be submitted by email.

All supporting documents should be scanned and attached (preferably as PDF documents) to the same email, and the originals retained within the centre.

The awarding body concerned will acknowledge receipt of this form.

The form and supporting documentation must be sent to:

AQA

irregularities@aqa.org.uk

CCEA

malpractice@ccea.org.uk

City & Guilds

investigationandcompliance@cityandguilds.com

NCFE

providerassurance@ncfe.org.uk

OCR

malpractice@ocr.org.uk

Pearson

candidatemalpractice@pearson.com

WJEC

malpractice@wjec.co.uk



JCQ/M2

**Notification of suspected malpractice/maladministration
involving centre staff**

Confidential

This form is to be used by a head of centre **before** an investigation commences to notify an awarding body of an instance of alleged, suspected or actual malpractice or maladministration. **It must be completed and submitted to the appropriate awarding body immediately a suspicion is raised or an allegation received.**

Awarding body

--

Centre Number

--

Centre Name and address

Head of centre's email address

Head of centre's telephone number

--	--

Name of head of centre

--

Name(s) of centre staff involved

Position

Date incident was reported to centre management

--

Details of examinations/assessments involved

Qualification, unit or specification code	Qualification, unit or specification title

Date and time of incident

--

Describe the nature of the suspected malpractice/maladministration, including details as to how it was discovered by whom and when.

--

Could the candidates have been unfairly advantaged or disadvantaged by the suspected malpractice/maladministration? If so, please give details.

--

Describe the steps the centre management propose to take to gather information relating to this matter.

--

Individual proposed to gather information

Name:	
Role within centre/organisation:	
Reason why suitable to gather information (e.g. experienced senior leader):	

Have you and the individual proposed to gather information read the JCQ guidance on conflicts of interest and personal interest at sections 4.1.3 and 5.7-5.8 and Appendix 3 within the JCQ <i>Suspected Malpractice: Policies and Procedures</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Does the individual proposed to gather information have any known conflicts of interest or personal interest in the outcome of the investigation?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Name and position (please print): _____

Signed: _____

Date: _____

The form and supporting documentation must be sent to:

AQA

irregularities@aqa.org.uk

CCEA

malpractice@ccea.org.uk

City & Guilds

investigationandcompliance@cityandguilds.com

NCFE

providerassurance@ncfe.org.uk

OCR

malpractice@ocr.org.uk

Pearson

pgsmalpractice@pearson.com

WJEC

malpractice@wjec.co.uk



JCQ M3

Report into suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by a head of centre following the gathering of information related to an investigation into an instance of suspected malpractice or maladministration. It **must** be completed and submitted to the appropriate awarding body together with supporting statements and documentation.

If the gathering of information has not yet commenced, please use **Form JCQ/M2** *Notification of suspected malpractice/maladministration* which can be found on the JCQ website:

<http://www.jcq.org.uk/exams-office/malpractice>

Awarding body

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Centre Number

--

Centre Name and address

Head of centre's email address

Head of centre's telephone number

--	--

Name of head of centre

--

Name(s) of centre staff involved

Position

Details of examinations/assessments involved

Qualification, unit or specification code	Qualification, unit or specification title

Date and time of incident

--

Individual(s) who gathered information

Name:	
Role within centre/organisation:	
Reason why suitable to gather information (e.g. experienced senior leader):	

Did any external people (e.g. local authority personnel, union officers) assist in the gathering of information? If so, please give details:

Name(s)

Position

Give details of the actions you have taken and the information you have gathered

Where malpractice (including maladministration) has been identified, please use the box below to provide:

- **details of the actions your centre proposes to take to mitigate the impact on candidates; and**
- **details of the actions your centre proposes to take to prevent a recurrence of similar incidents in future**

Name and position (please print): _____

Signed: _____

Date: _____

Report into suspected malpractice/maladministration involving centre staff

This checklist is intended to assist centres when gathering information for an investigation into suspected malpractice or maladministration involving centre staff. Once completed, it **must** be submitted to the awarding body together with the supporting statements and documentation. **It is the responsibility of the head of centre to ensure that these requirements have been met.**

Reference is made to the requirements detailed in the JCQ document:

Suspected Malpractice: Policies and Procedures

Name of centre staff member: _____

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The accused member of staff has been informed of their individual responsibilities and rights (sections 4.1.3 and 5.33) .	<input type="checkbox"/>	<input type="checkbox"/>
2.	The member of staff accused of malpractice should:		
	<ul style="list-style-type: none"> be informed (preferably in writing) of the allegation made against him or her (include a copy of any letter/notification in the submission); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be provided with a copy of the JCQ document <i>Suspected Malpractice: Policies and Procedures</i>; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know what evidence there is to support the allegation (provide full details in the submission to the awarding body); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know the possible consequences should malpractice be proven; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have the opportunity to consider their response to the allegations (provide a verified record of any interviews conducted); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have an opportunity to submit a written statement (provide a copy of all statements); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be informed that he/she will have the opportunity to read and make a statement in response to the submission to the awarding body's Malpractice Committee; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be informed of the applicable appeals procedure should a decision be made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input type="checkbox"/>

This form must be enclosed with the report and any other relevant evidence.

The form and supporting documentation must be sent to:

AQA

irregularities@aqa.org.uk

CCEA

malpractice@ccea.org.uk

City & Guilds

investigationandcompliance@cityandguilds.com

NCFE

providerassurance@ncfe.org.uk

OCR

malpractice@ocr.org.uk

Pearson

pqsmalpractice@pearson.com

WJEC

malpractice@wjec.co.uk