

Examination Malpractice Policy

Smith's Wood Academy

Part of Fairfax Multi-Academy Trust

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Date Ratified:	September 2024
Review Date:	September 2025

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**This policy runs alongside the Academy's Disciplinary policy.*

1. What is Malpractice?

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

Malpractice, including maladministration, means any act, default or practice which is a breach of the regulations that apply to the exam or assessment being taken. This can involve centre staff as well as students.

Malpractice doesn't necessarily involve an intention to cheat or gain an unfair advantage. The vast majority of allegations that JCQ awarding bodies deal with involve unintentional breaches of the regulations, usually caused by a lack of knowledge of the requirements contained in the **JCQ Instructions for Conducting Examinations (ICE)**. However, even when malpractice is unintentional, the consequences can be significant.

Malpractice also doesn't necessarily only affect the students involved – a breach of the regulations could potentially impact all students at every centre taking that assessment. When an awarding body has received a credible allegation of malpractice they have a duty to establish whether the malpractice or maladministration has occurred. The process that awarding bodies follow so is set out in **JCQ Suspected Malpractice Policies and Procedures**.

Two of the clearest examples of potential malpractice are:

- cheating, or facilitating cheating, in an assessment; and
- attempting intentionally to manipulate a result so that it does not reflect the Learner's actual performance in an assessment.

Malpractice now also includes the misuse of AI in examinations and coursework. For further details on AI use please refer to the following JCQ guideline [AI-Use-in-Assessments Apr25 FINAL.pdf](#)

2. How to avoid Malpractice?

Planning ahead is the best defence against things going wrong. It's therefore hugely important that all those involved in the administration of exams and assessments are familiar with all of the relevant regulations before the assessment starts. The people who need to know include:

- heads of centre
- exams office staff
- invigilators
- readers
- scribes

- prompters
- practical assistants
- language modifiers
- staff conducting specific assessments, for example, Art & Design NEA, MFL speaking assessments.

The best way to protect your centre and students against malpractice and maladministration is to make sure you're following all of the requirements contained in the **ICE**. This covers all of the regulations around the conduct of examinations and assessments, including the obligation to ensure the secure storage of confidential exam papers.

As malpractice isn't just confined to centre staff, it's equally important that students know what's expected of them. In particular, make sure they know:

- what to do in the exam room and how to behave
- where they're meant to be, and at what time
- what they're not allowed to bring into the exam room e.g. mobile phones, watches
- the possible consequences if they're found to have breached the exam or assessment regulations.
- for an NEA, that any work they do must be their own – that they shouldn't plagiarise by copying from the internet or from other students.

Malpractice can have serious consequences for centre staff and students. The details of offences and their applicable sanctions for both centre staff and candidates can be found in Appendices 5 and 6 respectively of the **JCQ Suspected Malpractice Policies and Procedures**.

3. How to report Malpractice?

At Smith's Wood this needs to be reported to the exams officer and Head of Academy/Centre in the first instance.

All forms can be found on JCQ website: [Malpractice - JCQ Joint Council for Qualifications](#)

It's important to remember that all instances of actual, alleged or suspected malpractice must be reported to the relevant awarding body – failure to do so is an offence itself.

If you believe you've witnessed malpractice in exams and assessments, or suspect that it has taken place, you should contact your head of centre immediately. Your head of centre has a duty to report all such incidents to the relevant awarding body and to comply with any subsequent instructions from the awarding body.

To report candidate malpractice, please use form JCQ M1. To report centre/staff malpractice, please use form JCQ M2. Both documents can be found on the **JCQ website**.

If you have concerns about raising such issues with your head of centre, or if you feel that your senior management team is involved, then please contact the awarding body directly.

Contact information for the awarding bodies can be found in at the end of **JCQ Suspected Malpractice Policies and Procedures**.

We encourage anyone who has information regarding malpractice to come forward and report the matter. If you want to remain anonymous, this will be respected, unless an awarding body is legally obliged to report the identity of the person making the allegation. The identity of any employee making allegations of suspected malpractice within centres may be protected by the Public Interest Disclosure Act 1998 if the disclosure is made to their employer or to Ofqual. Further information on whistleblowing and protected disclosures can be found at **Public Interest Disclosure Act (Whistleblowing) – JCQ Joint Council for Qualifications**

If you're in any doubt about what to do, please contact the relevant awarding body.

4. Gathering evidence

Any allegation that the awarding body decides requires investigation will need an individual appointed to gather information. This is to determine whether or not there is any evidence to support the allegation made.

- The **information gatherer** will be appointed by the Head of Centre as appropriate. The awarding body will determine who should gather information for the investigation. The individuals that can be chosen are: • the head of centre; • the Chair of Governors of the centre; • the responsible employer (or his/her nominee), e.g. Director of Education, the Chief Executive Officer of a multi-academy trust; • awarding body staff from the malpractice investigation team; or • another suitably qualified individual such as an Ofsted Inspector or the head of another school in the same multi-academy trust. The person gathering information must have no personal or other conflict of interest in the outcome of the investigation.
- All information will be fed back to the Head of centre.

An allegation of malpractice is unproven until the relevant information has been gathered and considered.

An investigation will allow the awarding body to make a decision on a case – this may be that there is no case to answer as, following investigation, there is no evidence to support the allegation. Alternatively, it may lead to a finding of malpractice which could then incur a sanction for an individual or individuals, or a centre.

Appendix 3

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

sets out a guide for gathering information and managing conflicts of interest. The individual authorised to gather information will then report to the awarding body by the time specified and providing all the requested evidence.

An awarding body would usually expect the head of centre, or a senior staff member nominated by the head, to gather information on its behalf. Whoever gathers information must have no personal interest in doing so.

Further information about conflicts of interest can be found in sections 5.7–5.9. 5.6 of the JCQ Malpractice policy.

Where the head of centre wishes to appoint a staff member to gather information, the agreement of the awarding body must be obtained first. Overall responsibility will always lie with the head of centre. The head of centre must deal with the evidence/information gathering in accordance with the deadlines and requirements set by the awarding body.

5. Conflicts of interest

In all cases, the head of centre must confirm to the awarding body the identity of the individual who will gather information and that the individual is appropriately senior, experienced in conducting similar types of investigations and that their appointment will not create a conflict of interest. The awarding body will confirm whether or not they agree to the suggested information gatherer.

A conflict of interest would arise where:

- the information-gatherer has direct line management responsibility for any of the accused individuals;
- the information-gatherer has overall responsibility for the area of work subject to the investigation;
- the information-gatherer has a relationship, beyond the working relationship, with any of the accused individuals;
- the above do not apply but there is or could be a perception that the individual would have a conflict of interest

In the event of any concerns regarding conflicts of interest, or the suitability of the potential information-gatherer, the head of centre must contact the awarding body as soon as possible to discuss the matter.

Very occasionally, it may only come to light after the information has been gathered and report submitted that the information-gatherer had a conflict of interest. In these cases, the investigation may have to be completed again, by a different information-gatherer.

6. Reporting to the awarding body

Those responsible for gathering information for an investigation should obtain the information specified by the awarding body, in the formats and to the timescales required. Individuals should always gather the information specified by the awarding body, regardless of their assessment of the matter.

- When interviewing staff or students, centres must conduct those interviews in accordance with their own internal policy for conducting enquiries.
- Reference should also be made to paragraph 5.33 which deals with the rights of accused individuals.
- 5.14 A note or transcript of the interview must be taken and provided to the interviewee to sign to confirm its accuracy.

In some cases, the awarding body will gather information for the investigation directly. This includes situations where:

- the centre is unable to appoint an appropriate information-gatherer; and/or
- the centre refuses to appoint an information-gatherer (this would, of itself, likely constitute malpractice); and/or
- the allegation is such that it would be inappropriate for the centre to appoint an information-gatherer. This may be where:
 - the alleged malpractice is systemic
 - the head of centre is implicated in the alleged malpractice
 - there is a wider reputational risk to the integrity of the exams system, for example, an online security breach of a question paper

A decision to investigate directly rests with the awarding body and the awarding body reserves the right to conduct a direct investigation where it considers it to be the most appropriate course of action, including where it has initially asked the head of centre to gather information

The right of the individual can be found in the JCQ malpractice policy Page 18 (2023 24)x

7. Sanctions

Sanctions - Individuals

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

These can vary and are defined in the Malpractice guide section 8

Sanctions – Centre

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

These can vary and are defined in the Malpractice guide section 9

Sanctions – Candidates

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

These can vary and are defined in the Malpractice guide section 10

Communicating decisions

[Malpractice Sep24 FINAL.pdf \(jcq.org.uk\)](#)

These can vary and are defined in the Malpractice guide section 11

M1, M2, M3 can be found on the JCQ website

[Malpractice - JCQ Joint Council for Qualifications](#)