Joint Council for Qualifications

General and Vocational Qualifications

Suspected Malpractice in Examinations and Assessments

Policies and Procedures

1 September 2016 to 31 August 2017

Produced on behalf of:

AQA Realising potential

OCR Oxford Cambridge and RSA

Pearson

City & Guilds

CEA Rewarding Learning

WJEC CBAC

The Joint Council for Qualifications, on behalf of its awarding body members, has written this document for centres. It details procedures for dealing with suspected malpractice on the part of candidates, centre staff and any others involved in managing the delivery of qualifications, and for taking appropriate action to maintain the integrity of the qualifications.

These procedures are additional to any guidelines or regulations an awarding body may issue. If there is a conflict between the awarding body's guidelines or regulations and these procedures, the JCQ instructions shall prevail.

These instructions are applicable from 1 September 2016 to 31 August 2017.

Any queries regarding the procedures detailed in this document must be addressed to the relevant awarding body and not to the JCQ.

Centres should note that any reference to 'JCQ' or 'Joint Council for Qualifications' within this document should be read as JCQ^{CIC} or the Joint Council for Qualifications^{CIC}.

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Introduction

This document is intended for heads of centres, senior leaders, examination officers and others involved in managing the delivery of general and vocational qualifications which are certificated by awarding bodies who are members 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:

- complies with Condition A8 – Malpractice and maladministration of the regulators' *General Conditions of Recognition* and SQA Accreditation's Regulatory Principles;
- 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, centre 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.

Instances of malpractice

Instances of malpractice arise for a variety of reasons:

- 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:

- 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 the centre 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.

1. Definitions

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 centre

The 'head of centre' is the most senior operational officer in the organisation - the Head Teacher of a school, the Principal of a college, the Chief Executive of an Academy Trust or the Managing Director of a company or training provider.

Where an allegation of malpractice is made against a 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, such as the Chair of Governors.

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 Technicals, 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 as found in the *GCSE, GCE, Principal Learning and Project Code of Practice*, Ofqual's *General Conditions of Recognition* and SQA Accreditation's *Regulatory Principles*.

Malpractice

'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**
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

Failure by a centre 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.

Suspected malpractice

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

Centre staff malpractice

'Centre 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 a centre; **or**
- an individual appointed in another capacity by a centre such as an invigilator, an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter.

Examples of centre 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.

2. Individual responsibilities

2.1 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.

2.2 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.

2.3 The awarding body will normally authorise the head of 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 the centre, or the management of the centre, the awarding body will decide how the investigation will be carried out. The awarding body may authorise another person, such as one of the following to carry out the investigation:

- the Chair of the Governing Body of the centre; **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.

2.4 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 centres to provide full details of alleged, suspected or confirmed breaches of security.

2.5 The head of centre **must**:

- **notify the appropriate awarding body at the earliest opportunity 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** (**see section 4.3**)**;**
- **complete Form JCQ/M1** (suspected candidate malpractice) or **Form JCQ/M2a** (suspected malpractice/maladministration involving centre staff) to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - http://www.jcq.org.uk/exams-office/malpractice
- supervise personally, and as directed by the awarding body, all investigations resulting from an allegation of malpractice unless the investigation is being led by the awarding body or another party;
- ensure that if it is necessary to delegate an investigation to a **senior member of centre staff**, the **senior member of centre staff** chosen is independent and not connected to the department or candidate involved in the suspected malpractice. This is to avoid conflicts of interest which can otherwise compromise the investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- make available information as requested by an awarding body;
- co-operate and ensure their staff do so with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not;
- 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.

2.6 The responsibilities in **section 2.5** extend to instances of suspected malpractice involving private candidates entered through the centre.

2.7 Heads of centre are reminded that a failure to comply with the requirements set in sections 2.5 and 2.6 may itself constitute malpractice.

3. Procedures for dealing with allegations of malpractice

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

- The allegation **(section 4)**
- The awarding body's response **(section 5)**
- The investigation **(section 6)**
- The Report **(section 7)**
- The decision **(section 8)**
- The appeal **(section 14)**

Communications

3.2 Awarding bodies will normally communicate with the head of centre regarding allegations of malpractice, except when the head of centre or management of the centre 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.

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

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

Heads of centre **must** facilitate communications between the awarding body and the individual concerned.

3.5 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 the centre, or the centre is suspected of non-compliance with the regulations.)

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

3.6 An awarding body reserves the right to share information relevant to malpractice investigations with third parties, for example other awarding bodies, the regulators and the police and/or other bodies.

4. The allegation

Suspected malpractice identified by examiners, moderators and external verifiers

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

A full account of the incident **must** be submitted together with supporting evidence and an indication of which regulation or specification requirement has been broken.

It is not necessary to inform the head of centre of this report as details of the allegation will be communicated by the awarding body.

Suspected malpractice identified by a centre

4.2 **Where suspected malpractice is identified by a centre, the head of 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 centre 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.

4.3 **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 the centre'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 the centre's internal procedures.

Centres 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, centres should refer to the guidance provided by the awarding body.

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

Malpractice reported by others

4.4 Allegations of malpractice are sometimes reported to awarding bodies by employers, centre 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 centres 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 the centre'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.

4.5 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.

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

4.7 When an awarding body receives an allegation from someone other than the head of a 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.

5. The awarding body's response to an allegation of malpractice

5.1 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 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.

5.2 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 that centre, and the Police, may also be informed.

5.3 On receipt of a notification of suspected malpractice, submitted by a head of 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) - **see sections 8 to 13**; **or**
- to ask the head of 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.

5.4 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.

6. The investigation

Investigations carried out by the head of centre/appointed investigator

6.1 It will normally be expected that investigations into allegations of malpractice will be carried out by the head of centre. The head of centre **must** deal with the investigation in accordance with the deadlines set by the awarding body.

Heads of centre are referred to **section 2.5** of this document for their responsibilities.

6.2 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.

6.3 The head of centre should consider that both staff and candidates can be responsible for malpractice.

If the investigation is delegated to another **senior member of centre staff**, the head of centre retains overall responsibility for the investigation. In selecting a suitable **senior member of centre staff** the head of 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 should not be delegated to the manager of the section, team or department involved in the suspected malpractice. In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the head of centre **must** contact the awarding body as soon as possible to discuss the matter.

6.4 If a centre is reporting the suspected malpractice, the awarding bodies recommend that, as a minimum, the centre 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 **section 6.14** which deals with the rights of the accused individuals.

6.5 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 the centre's own policy for conducting disciplinary enquiries.

6.6 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 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.

Investigations carried out by the awarding body

6.7 **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 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 centre will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.

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

6.9 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 centre, or other senior member of staff, or the candidate's parent/carer or with the permission of the head of centre or parent/carer.

6.10 Interviews may also be conducted over the telephone.

6.11 When it is necessary for a member of the awarding body 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).

6.12 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 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.

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

Rights of the accused individuals

6.14 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, the Police and/or other bodies (such as the National College for Teaching and Leadership) as appropriate.

6.15 **Responsibility for informing the accused individual rests with the head of centre.** In certain circumstances it may be necessary for the head of centre 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.

6.16 Full details of the awarding body's appeals procedures will be sent to the head of centre involved in an appeal. **(See section 14.)**

7. The Report

7.1 **After investigating an allegation of malpractice the head of centre must submit a full written Report of the case to the relevant awarding body**.

7.2 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 the centre;
- 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 the centre's procedures for advising candidates and centre staff of the awarding bodies' regulations;
- seating plans showing the exact position of candidates in the examination room;
- unauthorised material found in the examination room;
- any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.

7.3 **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.

7.4 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 centre will be informed accordingly.

8. The decision

The Malpractice Committee

8.1 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 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.

8.2 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, heads of centre and their representatives are not entitled to be present at meetings of the Malpractice Committee.

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

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

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

8.6 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

8.7 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.

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

- whether malpractice (as defined in this document see page 3) has occurred;
- where the culpability lies for the malpractice.

8.9 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

8.10 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.

8.11 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.

8.12 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.

8.13 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.

8.14 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.

8.15 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 centre 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

9. Sanctions and penalties

9.1 Awarding bodies impose sanctions and penalties on individuals and on centres 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.

9.2 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, when malpractice is judged to be the result of a serious management failure within a department or the whole centre, the awarding body may apply sanctions against the whole department or centre.

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

9.3 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.

9.4 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.

9.5 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.**

9.6 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.

9.7 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.

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

9.9 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.)

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

9.11 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.

9.12 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.

9.13 Heads of 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 be the names and offences of those found guilty of breaching the published regulations.

10. Sanctions and penalties for centre staff malpractice – individuals

10.1 In cases of centre 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.

10.2 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.

10.3 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.

10.4 **These sanctions and penalties may be applied individually or in combination**.

10.5 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:

1 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.

2 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.

3 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.

4 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.

10.6 These sanctions will be notified to the head of centre who will be required to ensure that they are carried out.

10.7 **If a member of staff moves to another centre while being subject to a sanction, the head of 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.

10.8 The awarding body may, at its discretion, ask for monitoring activity to be undertaken, or a plan devised to provide assurance that sanctions against centre staff are being appropriately applied. Such requirements are distinct and separate from the sanctions described in **section 11**.

11. Sanctions for centre staff malpractice – centres

11.1 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.

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

11.3 Awarding bodies may, at their discretion, impose the following sanctions against centres.

1 Written warning

A letter to the head of 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 the centre.

2 Review and Report (Action Plans)

The head of centre will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment, or all examinations/assessments in general.

The head of 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 the centre, and will need to be implemented as a condition of continuing to accept entries or registrations from the centre.

3 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 the centre.

4 Additional monitoring or inspection

The awarding body may increase, at the centre'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 the centre over and above the normal schedule for inspections.

(The JCQ Centre Inspection Service operates in relation to general qualifications and examined vocational qualifications.)

5 Removal of Direct Claims status

Direct claims status may be removed from the centre in which case all claims for certification must be authorised by the centre's external verifier.
(This sanction only applies to NVQs and similarly assessed and verified qualifications.)

6 Restrictions on examination and assessment materials

For a specified period of time a centre 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.

The centre 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.

7 Independent invigilators

The appointment for a specified period of time, at the centre's expense, of independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the published regulations.

8 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 a centre.

This may be applied for selected subjects/occupational areas or all subjects/occupational areas.

9 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 a centre.
(This only applies to NVQs and similar types of qualifications.)

10 Withdrawal of approval for a specific qualification(s)

An awarding body may withdraw the approval of a centre to offer one or more qualifications issued by that awarding body.

11 Withdrawal of centre recognition

The awarding body may withdraw recognition or approval for the centre.

This means as a result that the centre 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, a centre 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.

Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.

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

11.5 If the head of centre leaves whilst the centre 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 of centre.

12. Sanctions and penalties applied against candidates

12.1 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.

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

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

1 Warning

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.

2 Loss of marks for a section

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 coursework if this consists of several items.

3 Loss of marks for a component

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.

4 Loss of all marks for a unit

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.

5 Disqualification from a unit

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.

6 Disqualification from all units in one or more qualifications

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.

7 Disqualification from a whole qualification

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 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.

8 Disqualification from all qualifications taken in that series

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 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.

9 Candidate debarral

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.

12.4 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.

12.5 Candidates in England are not able to re-take individual GCSE units at a later series.
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).

12.6 Heads of centre may wish to take further action themselves in cases of candidate malpractice.

13. Communicating decisions

13.1 Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible.

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

13.2 The majority of cases of malpractice are confidential between the individual centre, 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.

13.3 In accordance with the requirements of the *GCSE, GCE, Principal Learning and Project Code of Practice* and the *General Conditions of Recognition*, the awarding body will report cases of centre 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 centre, the governing body or the responsible employer. Other awarding bodies and other appropriate authorities will also be informed.

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

13.5 **It is the responsibility of the head of centre to inform the accused individual that the awarding body may share information in accordance with paragraphs 13.2, 13.3 and 13.4.**

14 Appeals

14.1 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.

- Heads of centre, who may appeal against sanctions imposed on the centre or on centre staff, as well as on behalf of candidates entered or registered through the centre.
- Members of centre staff, or examining personnel contracted to a centre, 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.

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

14.3 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.

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:

Access Arrangements and Reasonable Adjustments,
1 September 2016 to 31 August 2017

General Regulations for Approved Centres, 1 September 2016 to 31 August 2017

Instructions for conducting controlled assessments, 1 September 2016 to 31 August 2017

Instructions for conducting coursework, 1 September 2016 to 31 August 2017

Instructions for conducting examinations, 1 September 2016 to 31 August 2017

Instructions for conducting non-examination assessments, 1 September 2016 to 31 August 2017

Post-Results Services – Information and guidance to centres

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 (written examinations)
Mobile Phone 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 Centre 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 centre staff malpractice and a clear breach of security;
- failing to supervise adequately candidates who have been affected by a timetable variation; (This would apply to candidates subject to overnight supervision by centre 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. The only instance where photocopying a candidate's script is permissible is where he/she has been granted the use of a transcript.)
- 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. coursework) 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 allegations 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 the 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 monitored and supervised;
- 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 at the earliest opportunity of all suspicions 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.

Part 2 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);
- 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;
- behaving in a manner so as to undermine the integrity of the examination.

Appendix 3

A guide to investigating an allegation of malpractice

The person investigating an allegation of malpractice within a centre **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 the centre;
- 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 the centre 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 centre staff, the head of centre retains overall responsibility for the investigation.

In selecting a suitable senior member of staff the head of 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 section, team or department 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

Proposed sanction	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)	A breach of procedures or regulations which if left unchecked could result in a threat to the examination or assessment.
Approval of specific assessment tasks	A failure in a specific subject or sector area relating to the nature of the assessment tasks chosen.
Additional monitoring or inspection	A failure of the centre's systems resulting in poor management of the examination or assessment, or inadequate invigilation.
Removal of Direct Claims status	A loss of confidence in the ability of the centre to assess and verify candidates' portfolios satisfactorily.
Restrictions on examination or assessment materials	A failure to maintain the security of examination or assessment materials.
The deployment of independent invigilators	A loss of confidence in the centre'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 or senior management of the centre. Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre. Failure to co-operate with awarding body requests to thoroughly investigate suspected malpractice. Failure to implement a specified action plan.

Appendix 5

Table of offences graded according to levels of seriousness and showing appropriate ranges of penalties applied to candidates

NOTE: In instances where the box is blank the penalty may be used.

Type of offence	**Warning** (Penalty 1)	**Loss of marks** (Aggregation Still Permitted) (Penalties 2 – 4)	**Loss of aggregation or certification opportunity** (Penalties 5 – 9)
Introduction of unauthorised material into the examination room, for example:			
Own blank paper	used for rough work	used for final answers	
Calculators, dictionaries (when prohibited)	not used	used or attempted to use	
Bringing into the exam room notes in the wrong format or prohibited annotations	notes/annotations go beyond what is permitted but do not give an advantage	notes/annotations are relevant and give an unfair advantage	notes/annotations introduced in a deliberate attempt to gain an advantage
Notes, study guides and personal organisers	notes irrelevant to subject	notes relevant to subject	notes relevant to subject and evidence of use
Mobile phone or other similar electronic devices (including iPod, MP3/4 player, Smartphone Smartwatch)	not in the candidate's possession but makes a noise in the examination room	in the candidate's possession but no evidence of being used by the candidate	in the candidate's possession and evidence of it being used by the candidate

Standard penalties:	
1 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 of time.

Type of offence	**Warning** (Penalty 1)	**Loss of marks** (Aggregation Still Permitted) (Penalties 2 – 4)	**Loss of aggregation or certification opportunity** (Penalties 5 – 9)
Breaches of examination conditions			
A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination rules and regulations	minor non-compliance; e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop	major non-compliance; e.g. refusing to move to designated seat; significant amount of writing after being told to stop	repeated non-compliance
Failing to abide by the conditions of supervision designed to maintain the security and integrity of the examinations	leaving examination early (no loss of integrity); removing script from the examination room, but with proof that the script has not been impaired; breaching supervision (candidate unaware of regulations)	removing script from examination room but with no proof that the script is safe; taking home materials	deliberately breaking clash supervision; removing script from the examination room and with proof that the script has been tampered with; leaving examination room early so integrity is impaired
Disruptive behaviour in the examination room or assessment session (including the use of offensive language)	minor disruption lasting short time; calling out, causing noise, turning around	repeated or prolonged disruption; unacceptably rude remarks; being removed from the room; taking another's possessions	warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property
Standard penalties:			
1 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 of time.	

Type of offence	Warning (Penalty 1)	Loss of marks (Aggregation Still Permitted) (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Exchanging, obtaining, receiving, or passing on information which could be examination related (or the attempt to):			
talking	isolated incidents of talking before start of exam or after papers have been collected	talking during exam about matters not related to exam; accepting exam related information	talking about exam related matters during the exam; whispering answers to questions
written communication	passing written communications (notes) which clearly have no bearing on the examination	accepting exam-related information	passing exam related notes to other candidates; helping one another; swapping scripts
social media		accepting exam-related information without reporting it to the awarding body	passing or distributing exam-related information to others
Offences relating to the content of candidates' work			
The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework, non-examination assessments or portfolios	isolated words or drawings, mildly offensive, inappropriate approaches or responses	frequent mild obscenities or drawings; isolated strong obscenity; isolated mild obscenities or mildly offensive comments aimed at the examiner or member of staff	offensive comments or obscenities aimed at a member of staff, examiner or religious group; racist, lewd or sexist remarks or drawings

Standard penalties:

1 warning;	6 disqualification from all units in one or more qualifications taken in the series;
2 loss of marks gained for a section;	7 disqualification from the whole qualification;
3 loss of all the marks gained for a component;	8 disqualification from all qualifications taken in that series;
4 loss of all the marks gained for a unit;	9 barred from entering for examinations for a set period of time.
5 disqualification from the unit;	

Type of offence	**Warning** (Penalty 1)	**Loss of marks** (Aggregation Still Permitted) (Penalties 2 – 4)	**Loss of aggregation or certification opportunity** (Penalties 5 – 9)
Collusion: working collaboratively with other candidates beyond what is permitted	collaborative work is apparent in a few areas, but possibly due to teacher advice; candidate unaware of the regulations	collaborative work begins to affect the examiner's ability to award a fair mark to an individual candidate	candidates' work reflects extensive similarities and identical passages, possibly due to a deliberate attempt to share work
Plagiarism: unacknowledged copying from or reproduction of published sources (including the internet); incomplete referencing		plagiarism from published work listed in the bibliography **or** minor amount of plagiarism from a source not listed in the bibliography	plagiarism from published work not listed in the bibliography **or** plagiarised text consists of the substance of the work submitted and the source is listed in the bibliography
Making a false declaration of authenticity		sections of work done by others, but most still the work of the candidate	most or all of the work is not that of the candidate
Copying from another candidate (including the misuse of technology)	lending work not knowing it would be copied	permitting examination script/work to be copied; showing other candidates the answers	copying from another candidate's script, controlled assessment, non-examination assessment borrowing work to copy
Undermining the integrity of examinations/assessments			
The deliberate destruction of work		defacing scripts; destruction of candidate's own work	significant destruction of another candidate's work
The alteration or falsification of any results document, including certificates			falsification/forgery

Standard penalties:

1 warning;	6 disqualification from all units in one or more qualifications taken in the series;
2 loss of marks gained for a section;	7 disqualification from the whole qualification;
3 loss of all the marks gained for a component;	8 disqualification from all qualifications taken in that series;
4 loss of all the marks gained for a unit;	9 barred from entering for examinations for a set period of time.
5 disqualification from the unit;	

Type of offence	**Warning** (Penalty 1)	**Loss of marks** (Aggregation Still Permitted) (Penalties 2 – 4)	**Loss of aggregation or certification opportunity** (Penalties 5 – 9)
Misuse of, or attempted misuse of, examination material and resources			misuse of examination material or exam related information, including: attempting to gain or gaining prior knowledge of examination information; improper disclosure (including electronic means‡); receipt of examination information or removal of secure information from the examination room
Theft (where the candidate's work is removed or stolen)			taking somebody else's work (e.g. project/coursework) to pass it off as one's own
Personation			deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated
Behaving in a way as to undermine the integrity of the examination/assessment			for example, attempting to obtain certificates fraudulently; attempted bribery; attempting to obtain or supply exam materials fraudulently

Standard penalties:	
1 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 of time.

‡please see page 41 (social media)

Appendix 6

Illustrations of malpractice

The following illustrations of malpractice are edited examples from the historical records of all the awarding bodies which are party to the Joint Council regulations.

1. Centre staff malpractice:

1.1 Tampering with candidates' scripts or coursework after collection and before despatch to the awarding body

Level 3 Diploma in Dental Nursing

A centre's own quality assurance procedures identified that an assessor for the Level 3 Diploma in Dental Nursing had completed portfolio evidence on behalf of a number of learners. The subsequent investigation found that portfolio evidence for six learners had been produced by the assessor. There was no evidence to suggest that there was any authenticity issues with the work of the other learners in the cohort. The assessor resigned from her role whilst the investigation was on-going.

Outcomes:

(a) The awarding body decided that it could not accept the work for the six learners. They were required to produce further evidence for their portfolios.

(b) The awarding body decided that the assessor should be barred from all involvement in the delivery or administration of its examinations and assessments for a period of two years.

(c) The centre was visited and a further scrutiny of portfolios was undertaken before certification for the qualification was agreed.

GCSE History

Following comments made by a candidate, the centre launched an investigation into suspected malpractice by a member of staff. It was found that a History Teacher at the centre, who had mislaid or never received candidate work, fabricated controlled assessments for nine candidates.

Outcomes:

(a) The teacher was debarred from involvement in the delivery of the awarding body's qualifications for a period of three years.

(b) Steps were undertaken to mitigate the effect on candidates.

1.2 Breach of security

GCE A level Biology

A centre reported that a former member of staff, working at another school, e-mailed a member of the Science Department two exemplar papers which were based on a live practical assessment test. It was also discovered that the teacher had e-mailed copies of the material to a number of candidates, thus potentially compromising the security of the practical test.

Outcomes: (a) The teacher was barred from involvement with the awarding body's examinations and assessments for a period of two years.

(b) Other awarding bodies were informed of the decision.

GCSE English/English Language

It was reported that candidates had obtained access to information relating to confidential question papers prior to the examinations. On investigation by the awarding body, more than one candidate confirmed that such information had been given to them by the head of centre.

Outcomes: (a) The centre was de-registered for their failure to safeguard the integrity of the examination and the abuse of the examinations system which they had engaged in so as to give an unfair advantage to their candidates.

(b) The head of centre was barred from involvement in the awarding body's examinations for a period of five years for failing to keep examination material secure prior to the published starting for the examination and permitting or facilitating unauthorised access to examination material.

(c) Other awarding bodies were informed of the decision.

GCSE Geography

The centre reported that a member of teaching staff, who was present in the examination room for the whole of the examination, had spoken to candidates who had raised their hands during the examination. A number of the candidates' statements confirmed that subject related material was suggested to them as possible answers.

Outcomes: (a) The awarding body decided that for a period of no less than three years the member of staff must not enter any exam room, or any other room designated as an exam room, whilst there is an examination in progress for that awarding body.

(b) For a period of no less than three years the member of staff must not have any unsupervised involvement in examinations for that awarding body. Any involvement must be supervised by a more senior and experienced member of staff.

2. Improper assistance to candidates:

2.1 Assisting candidates in the production of controlled assessments

GCSE Computing

The moderator reported that it appeared candidates all had the same code written in their task, suggesting this had been given to them by their teacher. The centre reported that the teacher had displayed the coding on the board and encouraged candidates to copy it into their work.

Outcomes: (a) The awarding body decided it could not accept the work of the candidates for the unit. Candidates were issued with an assessed grade using the Z-score method instead.

(b) The awarding body accepted the mitigating circumstances put forward by the teacher, resulting in a reduced period of one year for the teacher to be barred from involvement in the delivery of the awarding body's examinations due to providing assistance beyond the level permitted.

GCSE Science

The moderator reported that there was a possibility of malpractice. There were additions at the end of answers in a different coloured pen in the case of six candidates in the sample seen. There was evidence of an added sentence. On investigation it was confirmed that after the completion of the high level controlled assessment, the member of staff made indications in pencil on the work and the work was returned to candidates who were given time to make corrections.

Outcomes: (a) The member of staff was barred from involvement in the awarding body's examinations for a period of three years, for assisting candidates in the production of controlled assessments beyond the extent permitted by the regulations.

(b) Other awarding bodies were informed of the decision.

GCSE English

Under pressure from the head of centre to improve marks, a teacher agreed to run an intervention day in order to produce an improved piece of work. The teacher projected an outline response onto the board whilst candidates were completing the assessment under controlled conditions. The candidates were also allowed access to their exercise books.

Outcomes: (a) The teacher was barred from involvement in the awarding body's examinations for a period of two years for assisting candidates in the production of controlled assessments beyond the extent permitted by the regulations.

(b) Other awarding bodies were informed of the decision.

GCSE English Language

The centre reported that a teacher had allowed candidates to copy material from exemplar controlled assessments which had been completed the previous year. The teacher had also allowed candidates to substitute essays which they had completed at home for the work which they had completed under controlled conditions.

Outcomes: (a) The teacher was barred from involvement with the awarding body's examinations and assessments for a period of three years, for assisting candidates in the production of controlled assessments beyond the extent permitted by the regulations.

(b) Other awarding bodies were informed of the decision.

2.2 Assisting candidates in the production of answers

GCSE Spanish

The moderator reported that during the Speaking controlled assessment the teacher conducting the test could be heard frequently whispering prompts to the candidates in Spanish. Many of the whispered words were then used by the candidates in their responses. The recordings provided clear evidence of improper assistance being provided to the candidates.

Outcomes: (a) The teacher was barred from involvement with the awarding body's examinations and assessments for a period of two years.

(b) Other awarding bodies were informed of the decision.

GCE Design and Technology

The head of a centre reported that it had been discovered that a teacher had enhanced the coursework of some candidates in the moderation sample. Some other candidates who were not part of the sample had been given far higher marks than the coursework justified.

The teacher admitted enhancing coursework and awarding high marks to candidates who did not deserve the credit given.

Outcomes: (a) The awarding body decided to ban the teacher from any involvement with its examinations for a period of three years.

(b) Other awarding bodies were informed of the decision.

GCSE Mathematics

Following comments made to a member of staff by a candidate, the centre conducted an investigation into suspected malpractice. The investigation discovered that a member of staff acting as invigilator had provided inappropriate assistance to a candidate during the course of a GCSE Mathematics examination. The same member of staff during the examination also left the candidate unsupervised for an unknown period of time.

Outcomes: (a) For inappropriately assisting the candidate the teacher was debarred from involvement in the delivery of the awarding body's qualifications for a period of three years.

(b) For failing to supervise the candidate whilst being an invigilator, the teacher was debarred for an additional year.

(c) The centre was subject to enhanced monitoring in order to safeguard the integrity of qualifications delivered at the centre.

GCSE Religious Studies

The head of centre reported to the awarding body that the head of Religious Studies had entered the examination room, looked at the question paper and the written responses of some of the candidates. She then spoke quietly to several candidates individually, telling them to read through their work and reminding them that they could use their own opinion in their answers. The invigilators and the exams officer witnessed this. Statements from the candidates spoken to revealed that she had given advice about particular responses. The teacher denied providing any material help to the candidates.

Outcome:

(a) The teacher had compromised the integrity of the GCSE Religious Studies examination.

(b) It was impossible to quantify accurately the extent to which some candidates may have been assisted by the teacher's intervention, but it was probably to a small extent.

(c) The awarding body took steps to protect the interests of the candidates.

(d) As a result of her actions, the teacher involved was barred from all involvement in the administration, delivery or marking of examinations for a period of two years.

GCE AS Geography

The head of centre reported that during a GCE AS Geography examination the subject teacher entered the examination room, and after asking the invigilators permission to speak, gave the candidates general advice on how to respond to the questions on the paper. The teacher admitted to doing this.

The teacher, as a senior member of staff, had permission from the head of centre to be present in the examination room to help maintain an appropriate level of discipline. Reflecting on the available information, the awarding body judged that the advice given to the candidates was specific in nature and would have assisted them.

However, because it was impossible to determine the extent to which this advice had helped the candidates, and because they were not responsible for this intervention, the awarding body took steps to protect their interests.

Outcome:

(a) It was decided that because of her breach of the regulations, the teacher would be barred from all involvement in the administration, delivery or marking of examinations and assessments for a period of one year.

3. Deception:

3.1 Fabricating assessment and/or internal verification records or authentication statements

Level 3 Road Passenger Vehicle Driving

A verifier identified potential malpractice when reviewing a sample of candidate work as part of the awarding body's quality assurance activities. Candidate observations had been fabricated. The centre was visited and it was concluded that whilst the centre had conducted the candidate observations, they had fabricated the subsequent requested evidence including signatures and dates.

Outcomes: (a) Based on all of the available evidence, the centre's approval was withdrawn.

(b) Other awarding bodies were informed of the decision.

Level 2 Diploma in Health and Social Care – Adults (QCF)

The awarding body received an allegation that a centre was claiming certificates before candidates had completed all the units for the qualification. It was confirmed, following an investigation, that a number of candidates had been prematurely certificated. The centre manager, who was also the internal verifier, had claimed the certificates knowing that evidence was incomplete. However, he said he was under pressure from the candidates' employers to get the candidates certificated. Although candidates' competence had not yet been confirmed through assessment, he believed they were or would become competent by virtue of doing their jobs.

Outcomes: (a) The awarding body was not confident that the centre could maintain the integrity of the qualification, or ensure the effective operation of the centre as a whole and withdrew centre approval.

(b) All candidates who had received certificates prematurely had their certificates invalidated and candidates still on the programme were transferred to another centre.

(c) The awarding body notified other relevant awarding bodies and the regulator of the outcome.

International Spoken English for Speakers of Other Languages (IESOL)

The awarding body received an allegation that a centre was conducting spoken English examinations via the internet with the interlocutor in the UK and the candidates overseas. The centre denied the allegation and insisted that both candidates and the interlocutor were in the UK at the time of the examination. The centre held no records of candidate contact details. Audio forensic testing of examination recordings proved that the interlocutor and candidates were in different locations at the time of the examination. It was, therefore, not possible to determine the identity of the candidates.

Outcomes:

(a) The awarding body was not confident that the centre could maintain the integrity of the qualification or ensure the effective operation of the centre as a whole and withdrew centre approval.

(b) All certificates issued by the centre for the qualification were invalidated.

(c) The awarding body notified other relevant awarding bodies and the regulator of the outcome.

3.2 Manufacturing evidence of competence against national standards

Verified qualifications

The awarding body received allegations from a number of sources connected with a centre. The allegations were that:

- certificates had been claimed when candidate work had not been completed;
- assessment observations were produced by non-occupationally competent staff and the missing requirements were added later;
- some candidates had not been assessed at all, yet certificates had been claimed.

It was alleged that the management within the centre was fully aware of the above practices and bullied their staff to achieve targets.

A compliance visit took place and the following irregularities were found:

- wrong level of qualifications claimed for candidates compared to evidence in portfolios;
- missing candidate and assessor signatures;
- candidate signatures appeared differently throughout portfolios;
- candidate evidence did not appear valid, sufficient or authentic;
- candidate certificates claimed when portfolios did not meet national standards;
- certification claims made before candidates had completed the qualification;
- an occupationally incompetent assessment team.

The head of centre explained that a member of staff had been responsible for sabotaging some of the portfolios and removing some of the candidates' work.

Outcome: The awarding body decided that there were serious concerns about the senior management within the centre. They did not have a firm grasp of delivery and assessment practices within the centre and the quality assurance system, which had failed to pick up on these issues. There were concerns about the authenticity and sufficiency of the candidates' evidence being presented for certification claims. The awarding body agreed that there was doubt about the validity of candidate certificates previously issued via Direct Claims Status (DCS) and so re-called and invalidated all DCS certificates claimed since the last external verifier visits. It was agreed that candidates, whose certificates had been withdrawn, could be re-submitted for verification and therefore re-certificated during the next six months. As a consequence of the significant faults found in the quality assurance of assessments in a number of qualifications, and the inability of the centre to provide sufficient candidate evidence, the awarding body decided to withdraw centre approval for all qualifications.

GCSE Music

The head of centre reported that a member of teaching staff had asked another member of the department to create a piece of work in a controlled assessment unit to submit for assessment to replace the original work the candidate had carried out. The deception was not carried out and the original work of the candidate was submitted for assessment.

Outcomes: (a) The member of staff was barred from involvement in the awarding body's examinations for a period of five years, for attempting to compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate.

(b) Other awarding bodies were informed of the decision.

GCSE Physical Education

The moderator reported that the moderation sample received from the centre contained candidates' work which was very similar and in some cases identical. In addition, several candidates' work had been reported as lost after internal marking. The investigation found that work was not recognised as the attributed candidates' work. It was concluded that the work did not exist and the assessment was fictitious.

Outcomes: (a) The member of staff responsible for the internal assessment, collation of the work and submission of centre marks to the awarding body was barred from involvement in the awarding body's examinations for a period of four years, for inventing marks for internally assessed components when there is no actual evidence of candidates' achievement, and fabricating assessment and/or internal verification records.

(b) Other awarding bodies were informed of the decision.

4. Maladministration:

4.1 Poor invigilation

GCSE Geography

The centre reported that two candidates had incorrectly been given 25% extra time for their GCSE Geography examination. The candidates had been placed in the same room as those who had approved access arrangements. However, the candidates' access arrangements were for the use of a word processor and supervised rest breaks.

Outcomes: (a) The awarding body decided that the candidates had received an advantage as a result of receiving extra time and the candidates' work could not be accepted (penalty 4).

(b) The invigilator received a warning and the requirement for further training.

GCSE English

An invigilator at a centre reported that a senior teacher, acting as the examinations officer, had failed to report to the awarding body that two candidates had been communicating during the examination. One of the candidates in question was in possession of unauthorised material in the form of notes relevant to the subject. All instances of malpractice must be reported to the appropriate awarding body as soon as possible after the incident. In addition, a candidate subject to a timetable variation was released into the general school population instead of being kept under centre supervision until one hour after the awarding body's published starting time for the examination.

Outcomes: (a) The teacher/examinations officer was barred from involvement with the awarding body's examinations and assessments for a period of three years.

(b) Other awarding bodies were informed of the decision.

4.2 Failing to conduct a proper investigation into suspected malpractice

Certificate in Computer Literacy

Moderators reported identical errors in the scripts of the candidates in Units 2, 4, 5 and 7. This was the second similar incident in a twelve month period. On this occasion three letters were sent to the centre over a three month period asking for an investigation and report, but without response. At this point a temporary suspension was imposed on entries for this qualification.

Outcomes:

(a) The awarding body agreed that doubt remained about the authenticity of the work submitted by the candidates, and the centre had done nothing to dispel this doubt. Accordingly, the work could not be accepted, and results would not be issued for these candidates.

(b) The awarding body also stated that the centre's failure to investigate this matter went beyond that of a qualification specific issue, and called into question the willingness of the centre to adhere to the awarding body's procedures generally. The awarding body had lost confidence in the ability of this centre to adhere to its examination regulations. Therefore, centre approval was removed for all the awarding body's qualifications.

(c) Other awarding bodies were informed of the decision.

4.3 Disclosure of confidential examination material

GCE AS Physics

A centre reported that a candidate had produced answers that were identical to those in the Physics Unit 3 mark scheme and had achieved full marks. Following an investigation, it was discovered that the candidate's mother, who worked as a technician in another centre, had taken a copy of the Unit 3 mark scheme home and handed it to her son.

Outcomes:

(a) The technician was barred from involvement with the awarding body's qualifications for a period of five years.

(b) Other awarding bodies were informed of the decision.

5. Candidate malpractice:

5.1 The alteration of any result document, including certificates

GCSE results slips

A GCSE candidate falsified her provisional statements of results by altering her grades for subjects with three awarding bodies. These were then presented to a college where she was hoping to do GCSE re-sits and AS levels. The enrolment officer reported that at a second meeting the candidate had brought in her correct results slips and said there had been a mix up with another candidate's slip (a false statement). The candidate initially denied falsifying her results but eventually confessed due to fear of her parents' reaction. The centre informed one of the three awarding bodies involved, and that board informed the others.

Outcome: The first awarding body disqualified the candidate from all her GCSE examinations with that board, and the other two awarding bodies followed suit. The candidate would not therefore receive a certificate from any awarding body.

5.2 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

GCE A Level Art and Design Externally Set Assignment

A head of department discovered that one sketchbook was missing from the teacher's store. It came to light that a candidate had removed his own sketchbook without permission after the deadline for completion. The candidate claimed this was due to a misunderstanding of deadline dates. Statements from the centre confirm that the information given to candidates about completion dates was clear, and given both orally and in writing. The sketchbook had been missing for four days.

Outcome: The candidate lost all of the marks gained for the component (penalty 3).

5.3 Failing to abide by conditions of supervision designed to maintain the security of the examinations or assessments

GCSE Design and Technology

The candidate left the examination hall at 9.45 a.m., 45 minutes after the start of the examination and 15 minutes before the time period in which candidates may be allowed to leave the examination room. As the candidate was no longer under direct centre supervision, this action had the potential to impair the integrity of the examination.

Outcome: The candidate was disqualified from the qualification as he had failed to abide by the conditions of supervision (penalty 7).

GCE A Level Media Studies

A candidate who had been permitted to complete her Media Studies examination after the scheduled time because of a timetable clash, broke the supervision arrangements before the examination. She briefly spoke to another candidate who had just completed the Media Studies examination.

Outcome: The candidate was disqualified from the qualification (penalty 7).

GCE A Level Economics and Religious Studies

The candidate was involved in a timetable clash and had to be supervised after the morning examination until the start of the afternoon examination, which was Religious Studies. The candidate misunderstood the instructions provided by the centre and left the room unsupervised. The candidate stated that he had not been in contact with any other candidate.

Outcome: The candidate was disqualified from the Religious Studies unit (penalty 5).

GCSE Mathematics

An invigilator suspected that a candidate had a mobile phone on their person which they denied. When asked by the examinations officer to surrender any phone in their possession, the candidate became extremely abusive and threatening, and refused to be searched and left the centre.

Outcome: The candidate was disqualified from the qualification (penalty 7).

GCSE French Listening

The centre reported that Candidate A had been given permission to complete the GCSE French Listening paper in the morning, rather than the afternoon, because of a timetable clash. While in isolation Candidate A used a mobile telephone to contact Candidate B, who had yet to sit the examination, and offered exam related information via text message. Candidate B accepted the offer and a further message from Candidate A contained information relating to the examination.

Outcomes: (a) The awarding body decided that Candidate A had deliberately broken clash supervision by using a mobile telephone while in isolation to disclose exam related information to a fellow candidate. As a result, Candidate A was disqualified from all qualifications taken in that series (penalty 8).

(b) Candidate B was disqualified from the qualification for undermining the integrity of the qualification and gaining prior knowledge of examination information (penalty 7).

5.4 Collusion: working collaboratively with other candidates, beyond what is permitted

GCSE Information Studies

The moderator reported that the coursework of all six candidates from one centre contained identical material. The tutor stated that although some students had shared a computer, he was confident that all had worked individually. He suggested that the tasks were tightly prescribed and therefore inevitably produced identical results. Each candidate denied wrongdoing. The awarding body agreed that the identical material found in the candidates' work was probably the result of candidates sharing their work on disks over a period of time, during the various stages of its production. As the work submitted did not permit the examiner to form a judgement on the individual abilities of the candidates, it could not be accepted.

Outcomes: (a) The candidates were not awarded any marks for this component (penalty 3).

(b) The awarding body expressed its disappointment that the teacher had signed a declaration of authenticity when there were clear instances of identical work being submitted.

GCE A Level Design and Technology

A moderator reported similarities between two candidates' coursework. The centre discovered two identical files in the candidates' computer folders but, in the opinion of the Head of Technology, any similarities were not evidence of malpractice in this case. When interviewed, both candidates admitted working closely together but with no intention to cheat. The awarding body agreed that the candidates had collaborated on this project to an inappropriate extent.

Outcomes:

(a) It was not possible to award a mark which discriminated between the abilities of the candidates. As a result, no marks could be awarded to either candidate for this unit (penalty 4).

(b) The awarding body required the centre to contact the subject officer for advice on the permitted level of collaboration.

5.5 Copying from another candidate (including the use of ICT to aid the copying)

Word Processing

In a Word Processing examination the examiner noted that two candidates had produced identical errors in a document. The candidates and the centre denied any malpractice. The awarding body decided that the evidence clearly pointed to the fact that copying had taken place between the candidates.

Outcomes:

(a) Both candidates were disqualified from the qualification (penalty 7).

(b) The centre was required to review its procedures relating to the conduct of examinations.

GCSE Biology

The moderator discovered similar and identical passages in the work of two candidates which led him to suspect that candidate A had copied the work of candidate B. Candidate B admitted he had shown his work to candidate A to 'help him to see how to approach the problem'. Candidate A had promised not to copy the work but, in the event, had copied much of the content and submitted it as his own work.

Outcome: Candidate A was disqualified from the whole qualification (penalty 7). Candidate B lost all his marks for the component (penalty 3) for assisting the copying.

GCSE Design and Technology: Product Design

The centre reported that, after the candidate had signed the authentication form, his coursework was found to contain practical and written/graphic work that had not previously been seen by a teacher. The candidate admitted to copying his sister's work.

Outcome: The candidate was disqualified from the qualification (penalty 7).

GCE A Level Chemistry

An examiner suspected that candidate A had copied an answer in his script from candidate B sitting next to him. Candidate A admitted that this was the case.

Outcomes: (a) Candidate A was disqualified from the qualification (penalty 7).

(b) No action was taken against candidate B.

GCE A level Mathematics

The examiner reported that some answers in the scripts of two candidates were similar. Candidate A admitted to turning round and looking at some of the answers on the script of candidate B.

Outcome: Candidate A was disqualified from the qualification (penalty 7).

GCE A Level Physical Education

A moderator reported that two candidates submitted coursework assignments which contained an identical essay on information processing, the only difference being the order of two paragraphs. On investigation candidate A admitted to copying sections of candidate B's work and submitting it as his own. Candidate A had lifted the main paragraphs, changed the order and used them in his own work without the knowledge of candidate B.

Outcome: Candidate A was disqualified from the qualification (penalty 7).

5.6 Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language)

GCSE ICT

The centre reported that a candidate attempted to be disruptive during the examination. The candidate was turning round and gesturing to a friend who was ignoring her.

Outcome: This was regarded as minor disruption and the candidate was given a warning (penalty 1).

GCSE Art and Design

The centre reported that a candidate disrupted the examination by throwing a pencil at another candidate three desks away. The candidate admitted throwing objects twice during the examination. When he was asked to leave the room he became difficult, but did eventually leave.

Outcome: The candidate lost all his marks for the component (penalty 3).

GCSE Business Studies

Before the end of the examination the candidate took out his mobile phone and started to use it. The invigilator asked the candidate to switch off the phone. The candidate refused and became abusive, confrontational, and threatening towards the invigilator.

Outcome: The candidate was disqualified from the whole qualification (penalty 7), and barred from sitting any examinations with the awarding body for one year (penalty 9).

GCSE Mathematics

A candidate received four warnings early on in the examination for talking, swearing, shouting out, and putting his walkman on. As he was seriously disturbing the other candidates, he was then asked to leave the room by the invigilator but insisted on having his walkman back. He picked up his walkman and pushed violently past the invigilator. This resulted in her being pushed over a desk and falling to the floor, injuring her head and elbow in the process. The invigilator was upset and unable to continue with her duties. The school reported that the candidate had a history of aggressive anti-social behaviour.

Outcomes: (a) The candidate was disqualified from all his qualifications taken in that series and he was barred from entering examinations with that awarding body for two years.

(b) The other awarding bodies were notified (penalties 8 and 9).

5.7 Disruptive behaviour in the examination room by a group of candidates

GCSE English

Seven candidates were involved in causing disruption during a GCSE English examination. The appropriate warning notices had been displayed and candidates had been advised of the examination regulations prior to the start of the examination. Three of the four candidates continued to disrupt the examination despite being warned by an invigilator. Four other candidates were involved in the disruption to a lesser extent. The candidates declined to make written statements when given the opportunity to do so. The school explained that the candidates had been 'unsettled' by a late change to the examination location.

Outcome: Three of the candidates were disqualified from GCSE English. The four candidates involved to a lesser extent were given a warning.

5.8 Exchanging, obtaining, receiving, or passing on information which could be examination related (or the attempt to) by means of talking, written or non-verbal communication

GCSE English Literature

The centre reported that four candidates were talking at various stages during the examination. What they said was not clearly heard, but one candidate claimed he was asking for a pen.

Outcome: The candidates' marks for the component were reduced to zero (penalty 3).

GCSE Design Technology

The invigilator reported that a candidate had attempted to show his answer paper to another candidate. The candidate declined to make a statement.

Outcome: The candidate was disqualified from the qualification (penalty 7).

5.9 The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessment, coursework or portfolios

GCSE Mathematics

The examiner reported that the candidate had written a large number of offensive comments throughout their script. Upon review, the comments were found to contain inappropriate language and comments of an offensive nature.

Outcome: The candidate was awarded a mark of 0 for the paper (penalty 4).

GCSE Design Technology

The candidate's script contained several obscene comments including one specifically aimed towards the examiner, as well as a reference to drugs.

Outcome: The candidate was disqualified from the qualification (penalty 7).

5.10 Plagiarism: unacknowledged copying from published sources; incomplete referencing

GCSE Music

The centre reported that a candidate had attempted to present a professionally produced and recorded performance of a copyrighted piece of music as her own performance. The centre refused to accept the work because it could not be authenticated. The candidate admitted the offence.

Outcomes:
(a) The awarding body concluded that the centre had dealt with the matter appropriately in rejecting the submitted work. The centre was reminded that any consequences for the candidate arising from the submission of a plagiarised piece of controlled assessment before it was authenticated were an internal disciplinary matter.

(b) A second piece of work submitted by the centre on behalf of the candidate was accepted.

GCE A Level Psychology

An examiner reported that a candidate's coursework contained material which had been copied from a number of sources not listed in the bibliography, including the Internet. The candidate admitted failing to acknowledge the copied material and apologised for not having taken note of briefings on the dangers of plagiarism. The candidate had experienced significant and serious problems in her home circumstances whilst working on the coursework.

Outcome: The awarding body decided that the candidate's problems at home amounted to unusually significant mitigating circumstances. As a result, the candidate's marks for the unit were removed (penalty 4), rather than disqualification from the whole subject (penalty 7).

GCE A Level History

The moderator found extensive passages in the candidate's coursework had been taken from a recently published A Level textbook which had been listed in the bibliography. The candidate admitted breaching examination rules.

Outcome: The candidate was disqualified from the qualification (penalty 7).

5.11 Theft of another candidate's work

GCE Design & Technology

Several weeks prior to the due date candidate A informed his teacher that his coursework had been stolen. Four days before the deadline, however, he managed to hand in his coursework. Members of staff quickly realised that the piece submitted was that of another pupil, candidate B. Candidate A admitted that the work he handed in was not his.

Outcomes:

(a) The awarding body agreed that candidate A had stolen an artefact made by candidate B, and thereby potentially damaged candidate B's chances in this subject. The normal penalty for this offence is disqualification from all subjects in the series (penalty 9). In this case, however, there was evidence that the candidate had done some work of his own. There was also a question about the security of the work in the centre.

(b) Candidate A was disqualified from this subject only (penalty 7). The centre was reminded that when work is stolen the correct procedure is to apply for special consideration for the candidate affected.

NVQ in Hairdressing

An assessor reviewing evidence presented by candidate A noticed that correction fluid had been used to cover the original name and candidate A's name had been inserted. This discovery was made before any certification claims for the candidate had been made. However, the candidate had signed the NVQ unit declaration of authenticity.

Candidate A had originally said the evidence was hers. When the matter was investigated by the centre, however, she admitted she had stolen it from candidate B. Candidate A had been sitting next to B. B briefly left the room, her portfolio was on her desk and A took evidence from it. Candidate B, who had already been assessed by the time the theft was committed, was not implicated.

Outcomes:

(a) All the stolen evidence was destroyed by the centre.

(b) Candidate A was not permitted to undertake any further assessment at the centre for a specific period of time (penalty 9).

5.12 Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), personal stereos, mobile phones or other similar electronic devices

GCSE Business Studies controlled assessment unit

A centre submitted Form JCQ/M1 reporting that during the GCSE Business Studies controlled assessment unit, the candidate contravened controlled assessment regulations by using a mobile phone during the assessment. (This controlled assessment is set at a high level of control.)

Outcome: The centre was given the following guidance: either to give the candidate a second opportunity to re-sit a different controlled assessment task, (if available) before they submitted the work for moderation, penalise the candidate or to let the awarding body make a decision.

GCSE Art & Design

The centre submitted Form JCQ/M1 reporting that during the Art & Design examination, a mobile phone was found to be in the candidate's possession in the examination room.

Outcome: The candidate was awarded a mark of zero for the unit.

GCSE Mathematics

Despite having been reminded of the regulations before the start of the examination, a candidate was found to be using a personal organiser/calculator with a QWERTY keyboard. The memory was blank.

Outcome: The candidate lost all his marks for the component (penalty 3).

GCSE ICT

The candidate was discovered listening to a MP3 player 35 minutes into the examination. The candidate claimed not to know the rule forbidding the use of such equipment. The examinations officer confirmed it contained only music.

Outcome: The candidate's marks for that component were reduced to zero (penalty 3).

GCSE History

The candidate had permission to use a laptop for the completion of all of his examinations. During an examination the candidate was observed using a memory stick which he had inserted into his laptop. The memory stick was confiscated approximately 30 minutes into the examination and found to contain a large amount of material relating to the GCSE History examination.

Outcome: The candidate was disqualified from the subject (penalty 7).

GCSE English Literature

The centre reported that three candidates had taken their study guides into the examination room in place of the permitted texts. The candidates claimed that they took the incorrect book in, thinking that it was permitted.

Outcomes: (a) The candidates' marks for the component were reduced to zero (penalty 3).

(b) The awarding body expressed concerns about the standard of invigilation at the start of the examination.

GCE A Level Irish

The invigilator reported that the candidate was in possession of a ruler which had writing on it. The candidate claimed the writing was a pattern. The ruler was removed from the candidate and verified by the head of centre as being unauthorised information relevant to the examination.

Outcome: The candidate was disqualified from the qualification (penalty 7).

GCSE Business Studies

The invigilator observed the candidate using unauthorised material in the form of small 'flash cards' with a print size less than 2mm. The notes were removed from the candidate. When being interviewed after the examination additional notes were discovered in the candidate's shoe as a result of information received from other candidates.

Outcome: The candidate was disqualified from the whole qualification (penalty 7).

GCE A Level Law

During the Unit 4 examination the candidate was seen using study notes. He was escorted from the examination room and the unauthorised material was removed from him. While being taken back to the examination room the candidate handed the invigilator additional unauthorised material. During the Unit 5 examination the candidate was again observed referring to study notes. The candidate's personal statement referred to distressing personal circumstances. No supporting evidence was provided by the college.

Outcomes: (a) The awarding body disqualified the candidate from all qualifications taken in that series i.e. GCE A Level Law and A Level Sociology.

(b) In addition it was decided that the candidate would receive a one-year ban on entering for further examinations (penalties 8 and 9).

GCE A Level Economics

A candidate brought a mobile phone into the examination room which rang in his jacket pocket. The candidate said it was the alarm and he did not know it would go off, as it was a new phone. Candidates had been warned prior to the start of the examination to leave all mobile phones outside the examination room.

Outcome: The candidate's marks for the unit were reduced to zero (penalty 4).

GCSE History

The invigilator reported that the candidate had been in possession of a mobile phone during the examination and it contained information which was relevant to the examination. The centre confirmed that warnings had been given prior to commencement of the examination regarding mobile phones. The candidate admitted using a mobile phone during the examination.

Outcome: The candidate was disqualified from the whole qualification (penalty 7).

GCSE Mathematics

The candidate was found to be using a mobile phone as a calculator during the examination. The candidate denied this and claimed he was just turning the phone off when it was discovered.

Outcome: The candidate was disqualified from the whole qualification (penalty 7).

5.13 Behaving in a manner as to undermine the integrity of the examination

GCE A Level Biology

The centre reported that during the examination candidate A had asked to go to the toilet and had been escorted there. An inspection of the toilets, after he had resumed the examination, revealed examination-related notes and a copy of the text-book. Candidate B then asked for permission to go to the toilet and was escorted there; by this time the material had been removed. Candidate A admitted that the notes were his but did not know how they had got into the toilet and he denied using them.

Outcomes:

(a) The awarding body decided that candidate A had been guilty of breaking the regulations by consulting notes relevant to the examination. He was disqualified from the qualification (penalty 7).

(b) No action was taken in respect of candidate B.

GCSE English Literature

A single re-sit candidate convinced a new invigilator that they were allowed their own (annotated) copy of a text book. The book contained detailed notes. The candidate had sat the examination previously and had been told on numerous occasions that they could not take their own text books into the examination.

Outcomes:

(a) The candidate was disqualified from the qualification (penalty 7).

(b) The centre was instructed that the invigilator must be fully re-trained before they are allowed to invigilate an examination again.