

CQA 14.1: Assessment Malpractice and Maladministration Procedure

All College policies and procedures adhere to the guidelines and ethos of Equality and Diversity

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1. Introduction

New College Lanarkshire have a responsibility to protect the integrity of academic assessments, and has a duty to provide staff and students with a clear procedure regarding how suspected cases of Malpractice, which includes maladministration and non-compliance, will be investigated and acted upon.

2. What is Malpractice?

The term “Malpractice”, which includes maladministration and non-compliance, means any act, default or practice (whether deliberate or resulting from neglect or default) and/or compromises the assessment process or the integrity of any awarding body qualification, the validity of a certificate, or the reputation and credibility of an awarding body.

From this point forward, when we refer to Malpractice, it includes Maladministration and non-compliance.

Some instances occur because of ignorance of an awarding body’s criteria and procedures, or because of carelessness or neglect in applying them. As this may in itself constitute malpractice, this procedure covers both misconduct and maladministration.

Learner Malpractice

Malpractice by a learner in internal assessment can occur, for example, in:

- The preparation and authentication of assessment materials
- The preparation or presentation of practical work
- The compilation of portfolios of assessment evidence
- Conduct during or after an assessment.

The following are examples of learner malpractice, but you should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications. Examples could include:

Plagiarism - failure to acknowledge sources properly and/or the submission of another person’s work as if it were the learner’s own.

Collusion (unauthorised) is where an individual working collaboratively with other learners (normally on an individual task/assessment) copies work from another learner and submits it as their own.

Copying from another learner (including the use of ICT to do so).

Personation - This is where an individual undertakes a task whilst fraudulently pretending to be someone else especially with the intention to deceive or cheat to gain advantage on behalf of another individual.

Offensive content - This is where an individual includes inappropriate, offensive, or obscene material in assessment evidence, including vulgarity and swearing which is outwith the context of the assessment, or any material of a discriminatory nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting learners' rights to freedom of expression.

Frivolous content - This involves providing content that is unrelated to the assessment.

Misrepresentation/Fabrication - The falsification of data, information, or citations in any formal academic assessment. This is where the learner deliberately provides inaccurate data, makes false quotations or presents false information and data as fact.

Deception - This is where an individual provides false information to staff concerning a formal academic exercise, for example, giving a false excuse for missing a deadline or falsely claiming to have submitted work. Making a false declaration with the aim of receiving special consideration to obtain extensions to deadlines, exemptions from work or accreditation for prior learning.

Cheating - Any attempt to give or obtain assistance in a formal academic exercise (like an examination) without due acknowledgment.

This may also include:

- the use of unauthorised aids,
- physical possession of unauthorised materials (including mobile phones; smart watches, MP3 players, notes, etc) in the examination room, laboratory or workshop;
- obtaining a test or examination paper in advance of its authorised release;
- using or having at or near the test/examination desk any books, materials or other equipment which has not been explicitly permitted;
- communicating with another learner or passing objects to another person without authorisation during a test or examination.
- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment.

Bribery - Paying for someone to undertake assessment work which is then presented as the learner's own work or giving assignment answers or test answers to others for money.

Misconduct - This includes all behaviour in an examination room that causes disruption to others. For example, talking, shouting, abusive and/or aggressive behaviour/language, and having an unauthorised electronic device that causes a disturbance in the examination room.

Sabotage - This may include taking actions to prevent others from completing their work/examination or assignment. This could include deliberately damaging reference

materials, cutting pages out of library books or wilfully disrupting the experiments, assessment evidence or artefacts produced by other individuals.

College/Staff Malpractice

Malpractice, which includes maladministration and non-compliance, means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body requirements and/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 their officers, employees or agents.

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 (deliberate non-compliance)
- some incidents arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).

Examples of College/Staff Malpractice include:

- Failure to assess, i.e. failing to carry out internal assessment, or undertake internal verification as required by awarding bodies.
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- Insecure storage of assessment instruments and marking guidance.
- Failure to provide the resources, staff or systems to support the assessment process (including assessment records), internal quality assurance, external quality assurance, audit, certification claims or appeals purposes.
- Failure to comply with requirements for accurate and safe retention of learner evidence, assessment and internal verification records.
- Failure to comply with awarding body procedures for managing and transferring accurate learner data.
- Excessive direction from assessors to learners on how to meet national standards.
- Deliberate falsification of records in order to claim certificates.
- Failure to provide awarding bodies with access to the college and its assessment centres, staff and records.
- Failure to act on any actions as required by the awarding body.
- Discrimination – facilitating unfair discrimination in assessment (e.g. on grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation).
- Withholding information – deliberately withholding information about circumstances which may compromise the integrity of any qualification and/or credibility of the awarding body.

3. Reporting Suspected Malpractice

Any member of staff or any College student can report suspected malpractice.

- **How a student should report malpractice**

Any student who suspects that another student is participating in any act, default or practice which could be deemed as malpractice (see section 2 above for examples), should notify the class lecturer.

Any student who suspects that a member of staff is participating in any act, default or practice which could be deemed as malpractice (see section 2 above – “College/Staff Malpractice” should notify the Curriculum and Quality Leader, or the Head of Faculty if appropriate.

- **How a member of staff should report malpractice**

Any member of staff who suspects that a student is participating in any act, default or practice which would be deemed as malpractice should notify the Curriculum and Quality Leader.

Any member of staff who suspects that another member of staff is participating in any act, default or practice which would be deemed as malpractice should notify the Curriculum and Quality Leader, or the Head of Faculty if appropriate.

- **The College’s responsibility to Awarding Bodies**

The College must report any suspected cases of College Malpractice to the Awarding Body.

In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation or Ofqual, the College is required to report any suspected cases of learner malpractice to the awarding body.

If the malpractice involves a criminal act, the matter must also be reported to the police.

The Assistant Principal: Quality Enhancement will be responsible for reporting any such instances as detailed above to the Awarding Body/Police, as appropriate.

4. Investigating Suspected Malpractice

Once a suspected instance of Malpractice has been reported as above, the Head of Faculty should be notified. The Head of Faculty will then notify the Assistant Principal: Quality Enhancement using CQA 14.1.1: Notification of Suspected Malpractice (Appendix 1). The Assistant Principal: Quality Enhancement will initiate an investigation, which will be subject to the following Policy/Procedures as appropriate:

- Learner Behaviour Procedure
- Staff Disciplinary Policy/Procedure

All investigations carried out by the college will be:

- focused
- impartial and unbiased
- proportionate to the nature of the issue under investigation
- robust and thorough
- evidence-based
- conducted with discretion
- fair to all involved; and
- carried out in compliance with the law and relevant regulations

During the course of the investigation, results of any learner being investigated will not be processed to SQA. The Assistant Principal: Quality Enhancement will communicate this directive to the MIS Manager.

An Investigating Officer will be appointed by the Assistant Principal: Quality Enhancement.

SQA qualifications only: The Investigating Officer will be provided with an SQA guidance document “Malpractice: Information for Centres”, Appendix 1: “SQA Standards for Devolved Investigations”. This document will aid the Investigating Officer to carry out a full and fair investigation into the alleged malpractice.

http://www.sqa.org.uk/sqa/files_ccc/MalpracticeInformationForCentres.pdf

As part of the investigation the Investigating Officer will draw on a variety of sources of evidence including:

- Assessment evidence and records
- Discussions with assessor/internal verifier/Curriculum and Quality Leader/Head of Faculty/learners or other members of staff as appropriate.

Note that the above sources of evidence are not exhaustive, and the Investigating Officer will consider all evidence as appropriate.

5. Actions and Sanctions if malpractice is proven

After having undertaken an investigation, the Investigating Officer will provide a written report to the Assistant Principal: Quality Enhancement on the outcome of the investigation using CQA 14.1.2: Investigation Report Form (Appendix 2).

The Assistant Principal: Quality Enhancement will consider the findings from the investigation, and will consult with other members of the Senior Management Team as appropriate.

If Malpractice has been proven through investigation, formal action will be taken as appropriate, using the Learner Behaviour Procedure/Staff Discipline Procedure as appropriate.

There are a range of actions and sanctions available to the College, if Malpractice is proven, and examples of these are detailed in the Learner Behaviour Procedure/Staff Discipline Procedure.

6. Communicating Outcomes

The Assistant Principal: Quality Enhancement will report the outcome of the investigation to the student or member of staff under investigation using the Learner Behaviour/Staff Disciplinary Procedure.

The outcome of the investigation will also be communicated to other interested parties, as appropriate, e.g. the Assessor, Internal Verifier, Head of Faculty, Curriculum and Quality Leader, MIS Manager responsible for resulting learners, the Line Manager of the member of staff). The Vice Principal Curriculum will also be informed of all outcomes of investigations.

7. Appeals against malpractice decisions

As per the College's Learner Behaviour Procedure, and the Staff Discipline Procedure, all learners/staff members who have been subject to investigation, have a right to appeal any malpractice decision made against them. Appeals will be dealt with following the process laid out in the Learner Behaviour Procedure/Staff Discipline Procedure as appropriate.

Where College Malpractice has been investigated by the Awarding Body, any decisions made by the Awarding Body can be appealed.

The College also have the right to appeal a decision in the case of suspected malpractice by a learner reported by the College to the Awarding Body.

Learners have the right to appeal to the awarding body where:

- The College has conducted an investigation, and the learner disagrees with the outcome and has exhausted the College's Appeals process as detailed in the Learner Behaviour Procedure.
- The awarding body has conducted an investigation and the learner disagrees with the decision.

Details on each awarding body's appeals process can be obtained from the Awarding Body website.

For regulated qualifications only: Learner and Colleges have the right to request a review by the appropriate regulator (SQA Accreditation or Ofqual) of the awarding body's process in reaching a decision in an appeal of a malpractice decision for qualifications subject to regulation.

8. Record Retention

Where an investigation of suspected malpractice is carried out, the College must retain related records and documentation for three years. Records should include any work of the learner and assessment or verification records relevant to the investigation.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation, including assessment and internal verification records, will be retained for six years after the case and any appeal has been heard. If the College is in any doubt about whether criminal or civil proceedings will take place, it should keep records for the full six year period.

In the case of an appeal to the awarding body against the outcome of a malpractice investigation, assessment records and internal verification records must be retained for five years.

Appendix 1 – CQA 14.1.1: Notification of Suspected Malpractice

Faculty		
Subject (name and number)		
Is the suspected malpractice relating to:		
A learner <input type="checkbox"/>	A member of staff <input type="checkbox"/>	College <input type="checkbox"/>

Please give specific details regarding the Suspected Malpractice.

Date of suspected malpractice: [Click here to enter a date.](#)

Nature of suspected malpractice:

Head of Faculty: _____

Date: _____

Appendix 2 – CQA 14.1.2: Investigation Report Form

Faculty		
Subject (name and number)		
Is the suspected malpractice relating to:		
A learner <input type="checkbox"/>	A member of staff <input type="checkbox"/>	College <input type="checkbox"/>
If the investigation is relating to a Learner, please complete Part A		
If the investigation is relating to a member of staff, please complete Part B		
If the investigation is relating to suspected college malpractice, please complete Part C		
Part A – Learner		
Name of Learner:		
Date on which suspected malpractice occurred: Click here to enter a date.		
Staff involved:		
<p>Details of investigation:</p> <p>(Please include here all documentation considered, including Assessment, Assessment Records, Internal Verification Records, and Turnitin Report or any other online or IT systems (if applicable).</p> <p>Also detail discussions held as part of investigation:</p> <ul style="list-style-type: none"> • With Staff (including the assessor, internal verifier CQL, Head of Faculty); • Students, etc. <p>Please include names where available.</p> <p>Written statements should be taken from the staff/students involved and these should be signed and dated by the staff member/student.</p>		

Part B – a member of staff**Name of staff member:****Date on which suspected malpractice occurred:** Click here to enter a date.**Staff involved:**

Details of investigation:

(Please include here all documentation considered, including Assessment, Assessment Records, Internal Verification Records, and Turnitin Report or any other online or IT systems (if applicable).

Also detail discussions held as part of investigation:

- With Staff (including the assessor, internal verifier CQL, Head of Faculty);
- Students, etc.

Please include names where available.

Written statements should be taken from the staff/students involved and these should be signed and dated by the staff member/student.

Part C – College**Name of College:****Date on which suspected malpractice occurred:** Click here to enter a date.**Staff involved:**

Details of investigation:

(Please include here all documentation considered, including Assessment, Assessment Records, Internal Verification Records, and Turnitin Report or any other online or IT systems (if applicable).

Also detail discussions held as part of investigation:

- With Staff (including the assessor, internal verifier CQL, Head of Faculty);
- Students, etc.

Please include names where available.

Written statements should be taken from the staff/students involved and these should be signed and dated by the staff member/student.

