



PROAP 9.1: 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?

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body requirements including any act, default or practice which:

- compromises, attempts to compromise, or may compromise the process of assessment, the integrity of any awarding body qualification, or the validity of a result or certificate, and/or
- damages the authority, reputation or credibility of an awarding body, their officers, employees or agents.

Malpractice can arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance).

Some incidents arise due to ignorance of awarding body requirements, or carelessness or neglect in applying the requirements (maladministration).

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

Student Malpractice

Malpractice by a student 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
- The completion of an examination paper, or the controlled write-up stage of externally assessed coursework.
- The completion of an examination paper, or the controlled write-up stage of externally assessed coursework.
- Conduct during or after an assessment.

The following are examples of student 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 student's own.

Collusion (unauthorised) is where an individual working collaboratively with other students (normally on an individual task/assessment) copies work from another student and submits it as their own. Collusion can also occur when students work collaboratively with other students beyond what is permitted. Collusion can also occur when students work collaboratively with other students beyond what is permitted.

Copying from another students (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 out with 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 students' 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 students 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 student 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 – including the early and unauthorised removal of a question paper or answer booklet from the examination room;
- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment – including the early and unauthorised removal of a question paper or answer booklet from the examination room;
- Breaching the defined conditions of an assessment (eg completing work outside of controlled conditions").

Bribery - Paying for someone to undertake assessment work which is then presented as the student'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 or disadvantage 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:

- Managers or others exerting undue pressure on staff to pass students who have not met the requirements for an award.
- Failure to assess, i.e. failing to carry out internal assessment, or undertake internal verification as required by awarding bodies.
- Failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards.

- Failure to apply specified awarding body assessment conditions in assessments, such as limits on resources or time available to students to complete their assessments, including any amendments to permitted conditions, including any amendments to permitted conditions.
- 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 student evidence, assessment and internal verification records.
- Failure to comply with awarding body procedures for managing and transferring accurate student data.
- Failing to register students within a qualification's accreditation period.
- Making late registrations to the awarding body for qualifications in their lapsing period.
- Requesting late certification of students after the certification end date.
- Failure to comply with SQA requirements in the preparation, quality assurance and submission of estimated grade information.
- Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements.
- Failure to comply with SQA requirements in relation to appeals processes.
- Excessive direction from assessors to students on how to meet national standards.
- Deliberate negligence towards cheating or assistance in cheating. This activity is normally but not exclusively attributable to staff misconduct.
- 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.
- Failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance.

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(s) 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 Academic Leader, or the Head of Department 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 Academic 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 Academic Leader, or the Head of Department if appropriate.

All suspected cases of malpractice within regulated qualifications, whether the suspected malpractice is by the college, a staff member, or a student, will be reported to the awarding body.

4. Investigating Suspected Malpractice

Once a suspected instance of Malpractice has been reported as above, the Head of Department should be notified. The Head of Department will then notify the Assistant Principal: Education and Student Success using FORAP 9.1.1 Notification of Suspected Malpractice (Appendix 1). The Assistant Principal: Education and Student Success 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 student being investigated will not be processed to the awarding body. The Assistant Principal: Education and Student Success will communicate this directive to the MIS Manager.

An Investigating Officer will be appointed by the Assistant Principal: Education and Student Success.

SQA qualifications only: The Investigating Officer will be provided with an SQA guidance document “Malpractice: Standards for Devolved Investigations”. This document will aid the Investigating Officer to carry out a full and fair investigation into the alleged malpractice. Malpractice: Standards for Devolved Investigations document can be found [here](#).

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/ Academic Leader/Head of Department/ students 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: Education and Student Success on the outcome of the investigation using FORAP 9.1.2 Investigation Report Form (Appendix 2).

The Assistant Principal: Education and Student Success will consider the findings from the investigation, and will consult with other members of the Executive Board 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: Education and Student Success will report the outcome of the investigation to the student or member of staff under investigation using the Learner Behaviour/Staff Disciplinary Procedure.

Appropriate information about the outcome of the investigation will also be communicated to other interested parties, as appropriate, e.g. the Assessor, Internal Verifier, Head of Department, Academic Leader, MIS Manager responsible for resulting students, the Line Manager of the member of staff). The Assistant Principal: Education and Student Success will also be informed of all outcomes of investigations.

Where results entry error has been identified, the Assistant Principal: Education and Student Success will agree an appropriate course of action with the Head of Department/ Manager to confirm the accuracy of future results/assessment decisions as appropriate. The action agreed will be proportionate to the circumstances and will be put in place for a period of up to 12 months.

7. Appeals against malpractice decisions

As per the College's Learner Behaviour Procedure, and the Staff Discipline Procedure, all students /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 student reported by the College to the Awarding Body.

Students (or their authorised representatives) have the right to appeal to the awarding body where:

- The awarding body has conducted an investigation and the student disagrees with the decision.
- The college has conducted an investigation, and the student disagrees with the outcome and has exhausted our appeals process.
- The awarding body has asked the college to conduct an investigation and the student disagrees with the outcome and has exhausted the college's appeals process.

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

For regulated qualifications only: Students and Colleges have the right to request a review by the appropriate regulator (eg SQA Accreditation) 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 for non-regulated qualifications and six years for regulated qualifications. Records should include:

- a report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of malpractice
- written statements from the centre staff and students involved — these should normally be signed by the writer(s) and dated
- any work of the student(s) and internal assessment or verification records relevant to the investigation
- details of any remedial action you have identified as necessary to ensure the integrity of certification now and in the future.

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 verification records must be retained for six years.

Copies of all related records and documentation will be retained securely and confidentially in the Motherwell Campus for the required period of time.

All records and materials will thereafter be disposed of securely, by the end of the calendar year in which they were due to be disposed.

History of Changes

Date	Page Number/Paragraph/Section/Form	Description of Change	Rationale for Change
1 August 2021	Front Page	Update College logo	Internal review - updated branding
1 August 2021	Front Page	Update job title at "Responsibility for Review"	Internal review – updated staffing structure
1 August 2021	All pages	Learner(s) changed to Student(s)	Internal review – consistency of terminology
1 August 2021	All pages	Updated job titles/departments	Internal review – updated staffing structure
1 August 2021	Page 6 – 2 What is Malpractice – Student Malpractice	Additional bullet point added "the completion of an examination..... Coursework"	New awarding body requirements
1 August 2021	Page 6 – Student Malpractice – Collusion	Additional sentence added "Collusion can also occur when students work collaboratively with other students beyond what is permitted.	New awarding body requirements/lesson learned from previous alleged Malpractice instance.
1 August 2021	Page 7 – bullet points under "Cheating"	Second last bullet point expanded to indicate that cheating also includes the early and unauthorised removal of a question paper or answer booklet from the examination room.	New awarding body requirements
1 August 2021	Page 8 – bullet points under "Cheating"	Last bullet point – new	New awarding body requirements

		“Breaching the defined conditions controlled conditions),”	
1 August 2021	Page 8 – College/Staff Malpractice	At “Instances of malpractice arise for a variety of reasons” – 1 st bullet point – sentence expanded – “Some instances are intentional and aim to give an unfair advantage <u>or disadvantage</u> ”	New awarding body requirements
1 August 2021	Page 8 – Examples of College/Staff Malpractice	4 th bullet point expanded: “Failure to apply specified awarding body..... to complete their assessments <u>including any amendments to permitted conditions</u> ”	New awarding body requirements
1 August 2021	Page 9 – Examples of College/Staff Malpractice	New examples added: (1) Failing to register students etc (2) Making late registrations etc (3) Requesting late certification etc (4) Failure to comply with SQA requirements etc (5) Failure to apply appropriate processes etc (6) Failure to comply with SQA requirements etc (7) Failure to recognise and apply appropriate measures etc	New awarding body requirements
1 August 2021	Page 10 – at 4. Investigating Suspected Malpractice	SQA link updated	Updated link
1 August 2021	Page 13 – Record Retention	Last sentence of first para and associated bullet points updated/enhanced to be clear about the records to be held	Awarding body requirements
1 August 2021	Page 13 – last paragraph	Sentence added: “All records ,,,,,, was due to be disposed”	Internal review
1 April 2022	All pages	Curriculum and Quality Leader (CQL) changed to Academic Leader	Internal review

1 April 2022	Front page	Depute Principal: Student and the Curriculum to Assistant Principal: Education and Student Success	Responsibility For Review
1 August 2022	All pages	CQA 14.1 changed to PROAP 9.1	Internal Review
26 June 2023	Full document	All references to OFQUAL/Qualifications Wales are removed throughout the document, as SQA have now created a bespoke policy for qualifications regulated by these two regulatory bodies.	Internal review/awarding body guidance
26 June 2023	Section 2 – What is Malpractice?	First part of section updated, giving word-for-word SQA definition of Malpractice	Internal review/awarding body guidance
26 June 2023	Section 3 – Reporting Suspected Malpractice?	New paragraph inserted at the bottom of “How a member of staff should report malpractice”. This is to ensure suspected cases of malpractice within regulated qualifications is reported to the awarding body.	Inserted at awarding body request (IMI)
26 June 2023	Section 4, sub-section “SQA Qualifications Only”	Text has been updated at this section, as SQA now have a standalone document “Malpractice: Standards for Devolved Investigations” (previously was an appendix in the SQA document “Malpractice: Information for Centres”).	Updated SQA documentation
26 June 2023	Section 7 – Appeals against malpractice decisions	4 th paragraph and associated bullet points updated to make clearer that an authorised representative can appeal on behalf of a student, and also adding another bullet point to state that there is a right to appeal if the awarding body has asked the college to conduct an investigation and the student disagrees with the outcome and has exhausted the college’s appeals process.	Awarding body requirements

Forms

Date	Page Number/Paragraph/Section/Form	Description of Change	Rationale for Change
1 August 2021	CQA14.1.1 Notification of Suspected Malpractice	<ul style="list-style-type: none"> • Updated Logo • Change Learners to Students throughout • Update job title (previously read “Head of Faculty”) 	Internal review – updated branding, terminology, staffing info
1 August 2021	CQA14.1.2 Investigation Report Form	<ul style="list-style-type: none"> • Updated Logo • Change Learners to Students throughout • Update job titles throughout 	Internal review – updated branding, terminology, structures
1 April 2022	All pages	Curriculum and Quality Leader (CQL) changed to Academic Leader	Internal review
1 April 2022	CQA 14.1.2 Investigation Report Form	Depute Principal: Student and the Curriculum to Assistant Principal: Education and Student Success	Internal review
1 August 2022	All pages	CQA 14.1.1/2 changed to PROAP 9.1.1/2	Internal Review