



Examinations: Malpractice/Maladministration and Whistleblowing (Exams) 2023 - 2024

Approved by Local Governing Body

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Introduction

What is malpractice and maladministration?

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. This policy and procedure uses the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means any act, default or practice which is:

- a breach of the regulations
- a breach of awarding body requirements regarding how a qualification should be delivered
- a failure to follow established procedures in relation to a qualification

which:

- gives rise to prejudice to candidates
- compromises public confidence in qualifications
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre

Candidate malpractice

'Candidate malpractice' means malpractice by a candidate in connection with 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.

Centre staff malpractice

'Centre staff malpractice' means malpractice committed by:

- a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or
- an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe

Suspected malpractice

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

The whistleblower

A whistleblower is defined as a person who reports an actual or potential wrongdoing and is protected by the Public Interest Disclosure Act 1998, providing they are acting in the public interest.

Purpose of the policy

To confirm Ruislip High School has in place a written malpractice policy which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body.

General principles

In accordance with the regulations Ruislip High School will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected Malpractice - Policies and Procedures** and provide such information and advice as the awarding body may reasonably require

Preventing malpractice

Ruislip High School has in place:

- Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication **Suspected Malpractice: Policies and Procedures**
- This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance: *General Regulations for Approved Centres 2023-2024; Instructions for conducting examinations (ICE) 2023-2024; Instructions for conducting coursework 2023-2024; Instructions for conducting non-examination assessments 2023-2024; Access Arrangements and Reasonable Adjustments 2023-2024; A guide to the special consideration process 2023-2024; Suspected Malpractice: Policies and Procedures 2023-2024; Plagiarism in Assessments; AI Use in Assessments: Protecting the Integrity of Qualifications; A guide to the awarding bodies' appeals processes 2023-2024*

Safeguarding against student malpractice

The following measures are in place with a view to removing all foreseeable opportunity for candidates to be accused of suspected malpractice in both an intentional and an unintentional capacity.

Before examinations

Assemblies will be delivered to the candidates identifying the importance of malpractice or suspected malpractice and the possible consequences. Candidates will also complete Pre-Public Examinations series to familiarise themselves with Ruislip High School's examination procedures.

Starting examinations

All required equipment and stationery for the examination will be provided for students in the examination hall; therefore candidates are not required to bring anything other than a labelless water bottle to their exam. Candidates must not bring any items into the examination hall as this may compromise the integrity of their examination.

All candidates are required to pass through a free-standing metal detector (or a hand held metal detector) so that they cannot enter the examination hall with any electronic devices or other items that would trigger an allegation of suspected malpractice.

Candidates are not permitted to wear a watch or any other metallic items of clothing/jewellery in the examination as they will trigger the metal detector and slow down the registration process.

Any items triggering the metal detector will be confiscated and, depending on the item, may result in an allegation of attempted malpractice.

During examinations

It is the responsibility of the candidate to ensure that their actions do not alert the suspicion of the invigilator during the examination. Therefore, all candidates are required to focus solely on the examination and must not engage with any forms of direct or indirect communication as this will threaten the integrity of their examination and may result in formal procedures for suspected malpractice being followed with awarding bodies.

An allegation of suspected malpractice during an examination would follow any attempt to bring information into the examination hall. Therefore, all candidates are given the opportunity to surrender any such materials before entering the examination hall.

In exceptional circumstances, a candidate will be permitted to use the toilet facilities. However, the act of leaving the examination hall for any reason will need to be treated as 'high risk of malpractice' due to the candidate no longer being within a secure and controlled environment. If a candidate is permitted to use the toilet, they will be escorted to the toilet. They will have their blazer checked for materials that could compromise the integrity of their examination. Any candidate who requires use of the toilet will be reported to the exams officer and to the senior leader in charge of exams. A senior member of staff may communicate with parents/guardians to inform them of the candidate's entry to the examiner's log and any further action required.

Identification and reporting of malpractice

If a member of centre staff involved in the management, administration and/or conducting of examinations (such as exams officer, exams assistant or invigilator), a student or a member of the public (such as a parent/carer) has a concern or reason to believe that malpractice has or will occur in an examination or assessment, concerns should normally be raised initially with the Assistant headteacher in charge of examinations.

However, there may be times when it may be more appropriate to refer the issue directly to the governing board, most often when the allegation is against the head of centre.

Reporting suspected malpractice to the awarding body

- The head of centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication **Suspected Malpractice: Policies and Procedures**
- The head of centre will ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation
- Form JCQ/M1 will be used to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration
- Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will 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 potentially been breached. The breach will be reported to the awarding body immediately
- If, 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) will be informed of the rights of accused individuals
- Once the information gathering has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used
- 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.

Communicating malpractice decisions

- Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible. The head of centre, or an appointed person, will communicate the decision to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The head of centre will also inform the individuals if they have the right to appeal.

Whistleblowing procedure

If the individual does not feel safe raising the issue/reporting malpractice within the centre, or they have done so and are concerned that no action has been taken, that individual could consider making their disclosure to a malpractice expert at the awarding body for the qualification where malpractice is suspected.

For members of centre staff, it is likely that the Public Interest Disclosure Act (PIDA) offers you legal protection from being dismissed or penalised for raising certain serious concerns ('blowing the whistle'). Whistleblowing rights under PIDA are day one rights. This means that the worker does not need the same two years' service that is needed for other employment rights.

In order to investigate concerns effectively, the awarding body should be provided with as much information as possible/is relevant, which may include:

- The qualifications and subjects involved
- The centre involved
- The names of staff/candidates involved
- The regulations breached/specific nature of suspected malpractice
- When and where the suspected malpractice occurred
- Whether multiple examination series are affected
- If the issue has been reported to the centre and what the outcome was
- How the issue became apparent

Members of the public are not protected by PIDA, but the awarding body will make every effort to protect their identity if that is what they wish, unless the awarding body is legally obliged to release it.

Alternatively, a worker could consider making a disclosure to Ofqual as a prescribed body for whistleblowing to raise a concern about wrongdoing, risk or malpractice.

Anonymity

In some circumstances, the whistleblower might find it difficult to raise concerns with the nominated member of the senior leadership team. If a concern is raised anonymously, the issue may not be able to be taken further if insufficient information has been provided. In such instances, and if appropriate, the allegation may be disclosed to a union representative, who could then be required to report the concern without disclosing its source. Alternatively, whistleblowers or others with concerns about potential malpractice can report the matter direct to Ofqual, who is identified as a 'prescribed body'. Awarding organisations are not prescribed bodies under whistleblowing

legislation; however, awarding organisation investigation teams do give those reporting concerns the opportunity for anonymity.

A whistleblower can give his/her name, but may also request confidentiality; the person receiving the information should make every effort to protect the identity of the whistleblower.

Students

Students at Ruislip High School are made to feel comfortable discussing/reporting malpractice issues of which they are aware. The regulations surrounding their assessments, and wider academic integrity, will be reiterated to students who are undertaking, or who are about to undertake, their courses of study.

Appeals against decisions made in cases of malpractice

Ruislip High School will:

- Provide the individual with information on the process and timeframe for submitting an appeal, where relevant
- Refer to further information and follow the process provided in the JCQ publication **A guide to the awarding bodies' appeals processes**