

Malpractice in Exams, NEA's and Btecs

This Policy is called	Malpractice in Exams, NEA's and Btecs
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Key staff involved in the policy

Role	Name
Head of Centre	Heidi Swidenbank
Senior leader(s)	Adam Bones Julian Davies Chris Booth
Exams officer	Suelin Billingham

This policy is reviewed and updated annually to ensure that any malpractice at Bolder Academy is managed in accordance with current requirements and regulations.

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Introduction

This policy should be read in conjunction with other related policies including:

- Bolder Academy's Controlled Assessment Policy
- JCQ's Suspected Malpractice in Examinations and Assessments Policy

and the appropriate Malpractice Forms submitted as appropriate and within any timescales contained therein.

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 (SMPP 1)

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. (SMPP 2)

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 (SMPP 2)

Suspected malpractice

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice. (SMPP 2) Purpose of the policy

Bolder Academy 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 (GR 5.3)

General principles

In accordance with the regulations Bolder Academy will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- 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 (GR 5.11)
- 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 (GR 5.11)

Preventing malpractice

Bolder Academy has in place robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication **Suspected Malpractice: Policies and Procedures**. (SMPP 4.3)

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* (SMPP 3.3.1)

Additional information:

Informing and advising candidates

Bolder Academy will share the details of the JCQ statutory information on malpractice and other documents through an annual assembly for Y11 students. This is followed up by requiring student to confirm their understanding of the contents of the documents.

Direct links for all relevant documents are shared with students individually, normally through StachelOne and also placed on the public pages of the school's website.

Identification and reporting of malpractice

Escalating suspected malpractice issues

Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels (SMPP 4.3)

All suspected malpractice must be reported to the Bolder Academy Exams Office - Exams Officer Suelin Billingham. This will then be escalated to Chris Booth - Assistant Head and Heidi Swidenbank, Head Teacher and 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** (SMPP 4.1.3)

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 (SMPP 4.1.3)

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 (SMPP 4.4, 4.6)

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 (SMPP 4.5)

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 (SMPP 5.33)

Once the information gathering has concluded, the head of centre (or other appointed informationgatherer) 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 (5.35)

Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.37)

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 (SMPP 5.40) Additional information

Plagiarism and AI in Exams, NEA's and Btec Submissions

Plagiarism is attempting to pass off other people's work and ideas as your own.

Plagiarism can include:

- copying from another learner, copying from books or the internet paraphrasing
- subcontracting the work to someone else submitting the same piece of work for two different purposes

Why is plagiarism wrong?

- It is fundamentally dishonest.
- Learners who commit plagiarism are seeking an unfair advantage over other learners.
- Learners who commit plagiarism are devaluing the value of the qualification they seek.
- It is disrespectful to their Assessors, and a betrayal of their trust.

What are the consequences of plagiarism?

- Learners who commit plagiarism learn far less than those who do not.
- Assessment procedures are compromised if the work submitted is not the learner's own.
- Assessors are unable to form correct decisions on the progress of individual learners.
- It may result in legal action due to infringement of copyright laws.
- It may be penalised by failure in one or more components of a course.
- It could be unfairly interpreted as professional incompetence on the part of the Assessor.

Addressing the Culture of plagiarism

Bolder Academy will seek to enable students understand rules for documentation of written work and how their learning to be reflected honestly and fairly without the use of plagiarisms.

Use of AI

AI chatbots are AI tools which generate text in response to user prompts and questions. Users can ask follow-up questions or ask the chatbot to revise the responses already provided. AI chatbots respond to prompts based upon patterns in the data sets (large language model) upon which they have been trained. They generate responses which are statistically likely to be relevant and appropriate. AI chatbots can complete tasks such as the following:

- Answering questions
- Analysing, improving, and summarising text
- Authoring essays, articles, fiction, and non-fiction
- Writing computer code
- Translating text from one language to another
- Generating new ideas, prompts, or suggestions for a given topic or theme
- Generating text with specific attributes, such as tone, sentiment, or formality

The use of AI chatbots may pose significant risks if used by students completing qualification assessments and therefore needs to be recognised as exam malpractice in the same instance as plagiarism and treated accordingly.

NEA and Btec submission must comply with the JCQ guidelines set out below:

- As has always been the case, and in accordance with section 5.3(j) of the JCQ General Regulations for Approved Centres (<https://www.jcq.org.uk/exams-office/general-regulations/>), all work submitted for qualification assessments must be the students' own;
- Students who misuse AI such that the work they submit for assessment is not their own will have committed malpractice, in accordance with JCQ regulations, and may attract severe sanctions;
- Students and centre staff must be aware of the risks of using AI and must be clear on what constitutes malpractice;
- Students must make sure that work submitted for assessment is demonstrably their own. If any sections of their work are reproduced directly from AI generated responses, those elements must be identified by the student and they must understand that this will not allow them to demonstrate that they have independently met the marking criteria and therefore will not be rewarded (please see the Acknowledging AI Use section below);
- Teachers and assessors will only accept work for assessment which they consider to be the students' own (in accordance with section 5.3(j) of the JCQ General Regulations for Approved Centres); and
- Where teachers have doubts about the authenticity of student work submitted for assessment (for example, they suspect that parts of it have been generated by AI but this has not been acknowledged), these instances will be investigated appropriate action taken.

Possible malpractice sanctions

Following an investigation, if a case of malpractice is upheld, Bolder Academy may impose sanctions or other penalties on the individual(s) concerned. Where relevant we will report the matter to awarding bodies, and awarding bodies may impose one or more sanctions upon the individual(s) concerned. Any sanctions imposed will reflect the seriousness of the malpractice that has occurred.

Listed below are examples of sanctions that may be applied to a student, or to a teacher, tutor, invigilator or other officer who has had a case of malpractice upheld against them. Please note that:

- i) This list is not exhaustive and other sanctions may be applied on a case-by-case basis.
- ii) Where the malpractice affects examination performance, awarding bodies may impose sanctions of its own.

Possible centre sanctions that may be applied to students:

- A written warning about future conduct.
- Notification to an employer, regulator or the police.
- Removal from part or whole of the course.

Possible sanctions that may be applied to teachers, tutors invigilators, and other officers:

- A written warning about future conduct.

- Imposition of special conditions for the future involvement of the individual(s) in the conduct, teaching, supervision or administration of students and/or examinations.
- Informing any other organisation known to employ the individual in relation to awarding body courses or examinations of the outcome of the case.
- Bolder Academy may carry out unannounced monitoring of the working practices of the individual(s) concerned.
- Dismissal through gross misconduct.

Reporting a suspected case of malpractice

This process applies to, teachers, invigilators students and other centre staff, and to any reporting of malpractice by a third party or individual who wishes to remain anonymous.

Any case of suspected malpractice should be reported in the first instance to the Exams Officer.

A written report should then be sent to the person identified in the situation, clearly identifying the factual information, including statements from other individuals involved and / or affected, any evidence obtained, and the actions that have been taken in relation to the incident.

Suspected malpractice must be reported as soon as possible to the person identified, and at the latest within two working days from its discovery. Where the suspected malpractice has taken place in an examination, the incident be reported urgently and the appropriate steps taken as specified by awarding bodies.

Wherever possible, and provided other students are not disrupted by doing so, a student suspected of malpractice should be warned immediately that their actions may constitute malpractice, and that a report will be made to the centre.

In cases of suspected malpractice by Bolder Academy teachers, invigilators and other officers, and any reporting of malpractice by a third party, the report made to the person should include as much information as possible, including the following:

- a) The date time and place the alleged malpractice took place, if known.
- b) The name of the teacher, invigilator or other person(s) involved
- c) A description of the suspected malpractice;
- d) Any available supporting evidence.

In cases of suspected malpractice reported by a third party, or an individual who wishes to remain anonymous, Bolder Academy will take all reasonable steps to authenticate the reported information and to investigate the alleged malpractice.

Administering suspected cases of malpractice

Bolder Academy will investigate each case of suspected or reported malpractice relating to Awarding Body qualifications, to ascertain whether malpractice has occurred. The investigation

will aim to establish the full facts and circumstances. We will promptly take all reasonable steps to prevent any adverse effect that may arise as a result of the malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of awarding bodies qualifications and reputation is taken.

Bolder Academy will acknowledge all reports of suspected malpractice within five working days. All of the parties involved in the case will then be contacted within 10 working days of receipt of the report detailing the suspected malpractice. We may also contact other individuals who may be able to provide evidence relevant to the case.

The individual(s) concerned will be informed of the following:

- a) That an investigation is going to take place, and the grounds for that investigation;
- b) Details of all the relevant timescales, and dates, where known;
- c) That they have a right to respond by providing a personal written response relating to the suspected malpractice (within 15 working days of the date of that letter);
- d) That, if malpractice is considered proven, sanctions may be imposed either by Bolder Academy or by awarding bodies reflecting the seriousness of the case;
- e) That, if they are found guilty, they have the right to appeal.
- f) That Bolder Academy has a duty to inform awarding bodies and other relevant authorities / regulators, but only after time for the appeal has passed or the appeal process has been completed. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact each individual separately, and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

The individual has a right to appeal against a malpractice outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment.

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 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. (SMPP 11.1) Additional information:

Appeals against decisions made in cases of malpractice

Bolder Academy 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

Appendix A: Examples of Malpractice

This list is not exhaustive and other instances of malpractice may be considered by this centre at its discretion:

By learners	By centre staff
<ul style="list-style-type: none"> • plagiarism of any nature • use of unreferenced AI content • collusion by working collaboratively with other learners to produce work that is submitted as individual learner work • copying (including the use of ICT to aid copying) • fabrication of results or evidence • false declaration of authenticity in relation to the contents of a portfolio or coursework • impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in and deliberate destruction of another's work • assessment/examination/test • Failing to abide by the instructions of an assessor – This may refer to the use of resources which the candidate has been specifically told not to use • The alteration of any results document • Talking during an examination • Taking a mobile phone into an examination • Taking any item other than those accepted by the Awarding Body into the examination, such as a book or notes • Leaving the examination room without permission • Passing notes or papers to, or accepting notes or papers from another candidate 	<ul style="list-style-type: none"> • improper assistance to candidates • inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidate's achievement to justify the marks given or assessment decisions made • failure to keep candidate coursework/portfolios of evidence secure • fraudulent claims for certificates • inappropriate retention of certificates • assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves centre staff producing work for the learner • producing falsified witness statements, for example for evidence the learner has not generated • allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework • facilitating and allowing impersonation • misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment • falsifying records/certificates, for example by alteration, substitution, or by fraud • fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment. • Serious maladministration – where maladministration is any unintentional activity or practice that leads to non-compliance with awarding-body regulations.