

General and Vocational Qualifications

Suspected Malpractice in Examinations and Assessments

Policies and Procedures

1 September 2009 to 31 August 2010

Produced on behalf of:



The Joint Council for Qualifications has written this document for centres. It contains procedures for dealing with 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 2009 to 31 August 2010.

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Introduction

This document is intended for heads of centres, examination officers and others involved in managing the delivery of qualifications which are certificated by awarding bodies which are members of the Joint Council for Qualifications. It has been drawn up in accordance with Joint Council agreements on dealing with malpractice and breaches of security.

The Statutory Regulation of External Qualifications (QCA, CCEA and ACCAC 2004) requires awarding bodies to publish procedures to centres for dealing with malpractice on the part of candidates, centre staff and any others involved in providing the qualifications, and to take appropriate action to maintain the integrity of the qualifications. This document fulfils that requirement.

This document:

- identifies the Codes of Practice and 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 arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- some incidents come about because of ignorance of the regulations, carelessness or forgetfulness in applying the regulations;
- some occur because 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;
- assessment personnel such as examiners, assessors, moderators or internal and external verifiers;
- other third parties, e.g. parents/carers/guardians, siblings, friends of the candidate.

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to examinations and assessment need to be investigated in order to protect the integrity of the qualification and to be fair to the centre and all candidates.

This document provides 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.

Suspected Malpractice in Examinations and Assessments

Policy and Procedures

1. Definitions

In this document the expressions used have the following respective meanings:

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 an award.

Head of Centre

The “head of centre” is the most senior operational officer in the organisation. For example, the Headteacher of a school, the Principal of a college, or the Managing Director of a company or training provider.

Private Candidates

A “private candidate” is one who is entirely responsible for making their own entry for one or more subjects, for paying their own entry fees and is categorized as such by an awarding body. A candidate may not 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 or a candidate, to carry out practical tasks in a written examination at the instruction of the candidate who has particular needs in accessing assessments.

A “practical assistant” may also assist in practical assessments and coursework 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 GCSE, GCE, ELC, Basic Skills, Functional Skills, Key Skills, Diploma Qualifications, Project Qualifications (including the Extended Project) and Vocational Qualifications (e.g. BTEC Nationals, OCR Nationals, City & Guilds Certificates or OCR CLAIT), and NVQs.

Examinations and assessments

“Examinations and assessments” mean any written or practical activity set according to the awarding body’s specifications, or any achievement measured against national standards, which contributes to the award of a qualification.

Regulations

"Regulations" means the guidance and the regulations relating to the provision of access arrangements and the conduct of controlled assessments, coursework and examinations. A list of the documents which contain the regulations can be found in **Appendix 1**.

The regulations are based upon and encompass fully the requirements of the Regulators of external qualifications in England, Wales and Northern Ireland as found in the GCSE and GCE Code of Practice, the NVQ Code of Practice, and the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland (2004).

Malpractice

"Malpractice" 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.

A failure by a centre to investigate allegations of suspected malpractice in accordance with the requirements in this document also constitutes 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 Sign Language Interpreter or a scribe to a candidate.

Examples of Centre Staff Malpractice are set out in **Appendix 2, Part 1**. The 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 or coursework, 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**. The 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 Statutory Regulation of External Qualifications (QCA, 2004) states that awarding bodies “must conduct a full investigation of instances of alleged or suspected malpractice, and must take such action, with respect to the candidates and centres concerned, as is necessary to maintain the integrity of the qualification.”

2.2 In accordance with this requirement, awarding bodies 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, penalties and special conditions listed in this document in cases of proven malpractice;
- report the matter to the regulators if they find evidence that certificates may be invalid;
- report the matter to the police if a proven malpractice involved the commission of a criminal act.

2.3 Investigations will normally be carried out by the head of centre acting on behalf of the awarding body. Investigations into allegations of alleged malpractice or irregularities against the head of a centre may be carried out by the awarding body directly (acting individually or in conjunction with the regulators), or the Chair of the Governing Body of the centre, or the responsible employer (or his/her nominee) and reported to the awarding body when 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 exam). This is in addition to and not a substitution for the requirement for centres to provide full details of suspected, alleged or confirmed breaches of security.

2.5 Heads of centres must:

- report to the appropriate awarding body at the earliest opportunity all suspicions or actual incidents of malpractice. The only exception to this is malpractice discovered in coursework before the authentication forms have been signed by the candidate; (The form JCQ/M1 published within this booklet may be used to report incidents.)
- supervise personally all investigations resulting from an allegation of malpractice;
- ensure that if it is necessary to delegate an investigation to a member of staff, the member of staff chosen is independent, and not connected to the department 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, as this is in the best interests of centre staff, candidates and any others involved;

- co-operate and ensure their staff co-operate fully 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 to 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.

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 when reporting allegations of malpractice, except when the head of centre is under investigation.

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 is under investigation. When the head of centre is under investigation communication will be with the Chair of Governors, Local Authority officials or other appropriate authorities.

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.

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 candidates because of the circumstances of the case (e.g. 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.

4. The allegation

Suspected malpractice identified by examiners, moderators and verifiers

- 4.1 Examiners, moderators and external verifiers who suspect malpractice in an examination or assessment must report this suspicion immediately to the relevant awarding body using the procedures and forms provided by the awarding body. A full account of the incident should 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 from 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 the fullest details of the case at the earliest opportunity to the relevant awarding body. The form JCQ/M1 should be used; copies can be found on the Joint Council website, (www.jcq.org.uk/) or at the end of this booklet. Reports in letter format will be accepted providing the information given covers the same points as the form.
- 4.3 Malpractice in a coursework component or a controlled assessment component of a specification discovered prior to the candidate signing the declaration of authentication need not be reported to awarding bodies, but must 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, but 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. (Note: Centres are advised that if course- or portfolio- work or a controlled assessment 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, candidates and members of the public. Sometimes these reports are anonymous. Where so requested, awarding bodies will not disclose the identity of individuals reporting cases of suspected malpractice, unless legally obliged to do so.
- 4.5 Awarding bodies are aware that the reporting of malpractice by a member of staff or candidate can potentially cause a difficult situation, and will therefore protect the identity of the informant if this is asked for when a report is made.
- 4.6 If the information is provided over the telephone, the informant will usually be asked to make 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 other 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 reports of suspected malpractice received from examiners, moderators, external verifiers or members of the public, the awarding body will consider the report and decide to:

- take no further action; or
- ask the head of centre to conduct a full investigation into the alleged malpractice and to submit a written report; or
- in the case of alleged fraud or a serious breach of security, investigate the matter directly.

5.2 The awarding body will notify the regulators as soon as it receives an allegation of fraud or a serious 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 report of suspected malpractice submitted by a head of centre the awarding body will consider the report and decide either:

- to take no further action; or
- to make a decision on the case in accordance with the procedures (**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 6.7** and provide further evidence; or
- to investigate the matter further itself.

6. The investigation

Investigations carried out by the head of centre

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 should seek to deal with the investigation in a timely manner. Heads of centre are referred to **section 2.5** of this document for their responsibilities.

6.2 Those responsible for conducting an investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.

6.3 Heads of centres should consider that both staff and candidates can be responsible for malpractice. 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.

- 6.4 If a centre is reporting the suspected malpractice, the awarding bodies recommend that, as a minimum, the centre provides the accused individuals 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 6.15** which deals with the rights of the accused individuals.
- 6.5 When the head of centre 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 by a solicitor, the other parties must be informed beforehand to give them the opportunity to be similarly supported. 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.

Investigations carried out by the awarding body

- 6.7 For allegations of malpractice which involve fraud or a serious breach of examination security, it will normally be expected that an investigation into the allegation will be carried out by the relevant awarding body or bodies and/or the regulators, acting in conjunction with the head of centre (or the governing body or management board), and possibly the local police. The funding agencies will also usually conduct their own investigation if fraud is suspected.
- 6.8 An awarding body will not normally withhold from heads of centre any evidence pertinent to cases of suspected malpractice. However, it may do so in such an instance as outlined in **section 4.5**. In all such cases, the awarding body will provide summaries of evidence and a statement as to why the evidence itself cannot be presented in its original form.
- 6.9 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.
- 6.10 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 the head of centre, or other senior member of staff, or the candidate's parents/guardian/carer or with the permission of the head of centre or parent/guardian/carer.
- 6.11 Interviews may also be conducted over the telephone.
- 6.12 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).

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

Rights of the accused individuals

- 6.15 When an incident of suspected malpractice is reported to the awarding body, or on receipt of a report from the awarding body, an individual, whether a candidate or a member of staff, accused of malpractice must:
- be informed (preferably in writing) of the allegation made against him or her;
 - 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;
 - have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
 - be informed of the applicable appeals procedure, 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 professional bodies including the GTC or IFL as appropriate.

Responsibility for informing the accused individual rests with the head of centre.

- 6.16 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.
- 6.17 Full details of an awarding body's appeals procedures will be sent to heads of centre involved in appeals. **(See section 14.)**
- 6.18 The conduct of an accused candidate or member of staff in other examinations or assessments should not be taken into account unless there is an established, clearly evidenced, repeated pattern of behaviour.

7. The report

7.1 After investigating any complaint or 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;
- 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 mitigating factors;
- information about the centre's procedures for advising candidates of the awarding bodies' regulations;
- seating plans;
- 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 The form JCQ/M1 should be used as the basis of the report. Reports in letter format will be accepted providing the information given covers the same points as the form.

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 external members experienced in examination and assessment procedures, or this function may be allocated to a named member or members of staff. In this document the committee (or awarding body personnel responsible for dealing with malpractice) is referred to as the "Malpractice Committee".

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.

Making the decision - overview

8.3 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.

8.4 The Malpractice Committee will also seek to determine:

- whether the examination and assessment regulations have been broken;
- where the culpability lies for the breach of regulations.

The Malpractice 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

8.5 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.

8.6 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.

8.7 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 papers, independent of any decision on sanctions;
- decide whether the facts as so established actually breach the regulations or specification requirements;
- if a breach of regulations has occurred, establish who is responsible for this;
- determine an appropriate level of sanction or penalty.

8.8 The Malpractice Committee must be satisfied on the balance of probabilities that the allegation is substantiated. 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.

9. Sanctions and penalties

9.1 Awarding bodies impose sanctions and penalties on individuals and on centres found guilty of 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 to individuals found guilty of malpractice. These will usually be the candidates or the responsible members of staff. However, when the malpractice is judged to be the result of a serious management failure in 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. 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 if the case is inconclusive, that is, there is evidence of malpractice but it cannot be proved who was to blame; or if the case so damages the centre's reputation that the awarding body considers it would be unsafe to make awards.

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. In these cases the candidate(s) may retake the examination 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 are not to be applied to offences according to a fixed scale, but are to 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 3 and 4**.

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 only be applied to that submission and possibly 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 five years.

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 confined to considering whether the integrity of its examinations and assessments has been placed in jeopardy, and whether that integrity might be jeopardised if an individual found to have indulged in 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 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 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, 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 of its examinations and assessments for a set period of time. Other awarding bodies and the regulators will 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 should 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.

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 3** 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, and 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 applies only to NVOs 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 posting 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 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 applies to NVOs and similar types of qualifications only.)

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 the students the respective awarding body's qualifications. Other awarding bodies will be informed of this action. At the time of withdrawal of centre recognition a centre will be informed of the earliest date at which it can reapply 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 while 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 4** 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 linear qualifications 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 exam 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 retake the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity if the specification permits this.

- 12.5 In linear GCSE qualifications candidates are not generally able to retake only a component at a later series. They can, however, retake the whole subject, carrying forward the coursework mark. This means that in these cases, candidates will generally have a twelve month wait for an opportunity to retake the examination.
- 12.6 For candidates following a Diploma course, the term 'qualification' should be interpreted as referring to the component qualification, for example Functional Skills or Project, and not to the Diploma as a whole. Consequently, the terms 'section', 'component' and 'unit' should be interpreted as referring to parts of a component qualification.
- 12.7 Heads of centre may wish to take further action themselves in cases of candidate malpractice.

13. Communicating decisions

- 13.1 Heads of centre will be informed of decisions in writing as soon as possible after decisions are made. 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 and the awarding body, but 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 and the awarding bodies.
- 13.3 In accordance with the requirements of the GCSE and GCE Code of Practice, the NVQ Code of Practice, and the Arrangements for the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland, the awarding body will submit a report on cases of centre staff malpractice, together with details of the action taken by the head of centre, the governing body or the responsible employer to the regulators if the awarding body decides that the circumstances of the case are sufficiently serious to warrant such reports being made. The report may also be made available to other awarding bodies.
- 13.4 In serious cases of centre staff malpractice, the awarding bodies reserve the right to share information with professional bodies such as the GTC or IFL.
- 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 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 individual awarding body publications.

Appendix 1

Sources of Information

The following documents contain, in addition to the requirements found in the 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. These can be found on the websites of the respective organisations.

The following JCQ documents are available on the JCQ website:

Booklets:

Access Arrangements, Reasonable Adjustments and Special Consideration,
1 September 2009 to 31 August 2010;

General Regulations for Approved Centres, 1 September 2009 to 31 August 2010;

Instructions for conducting controlled assessments, 1 September 2009 to 31 August 2010;

Instructions for conducting coursework, 1 September 2009 to 31 August 2010;

Instructions for conducting examinations, 1 September 2009 to 31 August 2010;

Post-Results Services – Information and guidance to centres.

Joint Council Notices:

Mobile Phone notice;

Notice to Candidates (on-screen tests and written examinations);

Notice to Candidates (Controlled Assessments and Coursework);

Plagiarism in Examinations, Guidance to Teachers/Assessors;

Warning to Candidates (on-screen tests and written examinations).

The following awarding body documents are available:

AQA

AQA General Regulations

AQA Examinations Updates

AQA The Appeals Process: A Guide for Centres 4th Edition

City & Guilds

City & Guilds General Regulations

CCEA

Examinations Administration Handbook

Edexcel

Subject-specific Instructions for the Conduct of Examinations

OCR

OCR Administrative Guide
OCR Vocational Qualifications Administrative Guide
OCR Verified Qualifications Administrative Guide
OCR Nationals Administrative Guide
OCR Key Skills Administrative Guide
OCR Basic Skills Administrative Guide
Access to Assessment

WJEC

WJEC Internal Assessment / Coursework Manual

The following regulatory documents are available (on the website of Ofqual):

The Statutory Regulation of External Qualifications
GCSE and GCE Code of Practice
Regulatory arrangements for the Qualifications and Credit Framework
The NVQ Code of Practice

Examples of Malpractice

The following are examples of malpractice. It 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

Breaking 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 by the regulations within the JCQ publication *Instructions for conducting examinations*) without notifying the relevant awarding body; (Conducting an examination before the published date is 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 papers after an exam in cases where the life of the paper extends beyond the particular session (such papers are always clearly marked). 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 or controlled assessments or coursework after collection and before despatch to the awarding body/examiner/moderator;
- failing to keep student computer files which contain controlled assessments or coursework secure.

Deception

Any act of dishonesty in relation to any examination or assessment, 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 being given;
- 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).

Improper assistance to candidates

Giving assistance beyond the requirements of the specification 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 assessments or coursework, or evidence of achievement, beyond that permitted by the regulations;
- sharing candidates' controlled assessments or coursework with other candidates;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in Language Speaking Examinations 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.

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examination papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc.

For example:

- failing to ensure that candidates' coursework 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 by the JCQ regulations;
- failure to use current assignments for assessments;
- failure to train invigilators adequately, leading to non compliance of JCQ regulations;
- failing to issue to candidates the appropriate notices and warnings;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment on all rooms (including music and art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to awarding body requirements;
- the introduction of unauthorised material into the examination room, either during or prior to 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 ensure that mobile phones are placed outside the examination room and 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 keep accurate records in relation to very late arrivals and overnight supervision arrangements;
- failure to keep accurate and up to date records in respect of access arrangements which have been processed electronically using the *Access arrangements online* system;
- granting access arrangements to candidates which do not meet the requirements of the JCQ publication *Access Arrangements, Reasonable Adjustments and Special Consideration*;
- 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 or coursework in secure conditions after the authentication statements have been signed;

- failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner;
- failing to despatch candidate scripts / controlled assessments / coursework to the awarding bodies or examiners or moderators in a timely way;
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered;
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body;
- 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 ICT to aid the copying);
- allowing work to be copied e.g. posting written coursework 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 assessments, coursework or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- 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 or portfolios;

- personation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- plagiarism: unacknowledged copying from 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, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- the use of a memory stick where the candidate has been granted an access arrangement in the form of a word processor;
- behaving in a manner as to undermine the integrity of the examination.

Appendix 3

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 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. Or a breakdown in management and quality assurance arrangements for a specific qualification or sector/subject area.
Withdrawal of centre recognition	<p>Loss of confidence in the head of centre or senior management of the centre.</p> <p>Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre.</p> <p>A failure to co-operate with awarding body requests to investigate thoroughly suspected malpractice.</p> <p>A failure to implement a specified action plan.</p>

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)
The alteration or falsification of any results document, including certificates.			falsification / forgery.
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 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.
Collusion: working collaboratively with other candidates beyond what is permitted.	collaborative work is apparent in few areas, but possibly due to teacher advice; candidate unaware of the regulations.	collaborative work begins to affect examiner’s ability to award a fair mark to individual candidates.	work of candidates reflects extensive similarities and identical passages, possibly due to deliberate attempt to share work.
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.		

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

Type of offence	Warning (Penalty 1)	Loss of marks (Aggregation Still Permitted) (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Copying from another candidate (including the misuse of ICT).	lending coursework, not knowing it would be copied.	permitting examination script / coursework to be copied; showing other candidates the answers.	copying from another candidate's script / coursework; borrowing coursework to copy.
The deliberate destruction of work.		defacing scripts; destruction of candidate's own work.	significant destruction of another candidate's work.
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.
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 had 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.
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.		

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

Type of offence	Warning (Penalty 1)	Loss of marks (Aggregation Still Permitted) (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Making a false declaration of authenticity.		sections of work done by others, but most still the work of the candidate.	most or all the work is not that of the candidate.
Misuse of, or attempted misuse of, examination material and resources.			misuse of examination material or exam related information, including: gaining prior knowledge of examination information; improper disclosure; receipt of examination information or removal of secure information from examination room.
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 unfair advantage.	notes / annotations introduced in a deliberate attempt to gain an advantage.
The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments coursework or portfolios.	isolated words or drawings, mildly offensive, inappropriate approaches or responses.	frequent mild obscenities; isolated strong obscenity; isolated mild obscenities or mildly offensive comments aimed at examiner or member of staff.	offensive comments or obscenities aimed at a member of staff, examiner or religious group; racist, lewd remarks or drawings.
Personation.			deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated.
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.		

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

Type of offence	Warning (Penalty 1)	Loss of marks (Aggregation Still Permitted) (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Plagiarism: unacknowledged copying from 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.
Theft (where the candidate's work is removed or stolen).			taking somebody else's work (project / coursework) to pass it off as one's own.
Introduction of unauthorised material into the examination room, for example:			
Notes, study guides and personal organisers.	notes irrelevant to subject.	notes relevant to subject, but no indication of attempt to use.	notes relevant and prepared for use.
Own blank paper.	used for rough work.	used for final answers.	
Calculators, dictionaries (when prohibited).	not used.	used or attempted to use.	
Personal stereo (including MP3, iPod) or and other similar electronic/digital devices.	not used.	used but does not contain material relevant to subject.	used, contains material relevant to subject.
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.		

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

Type of offence	Warning (Penalty 1)	Loss of marks (Aggregation Still Permitted) (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Mobile phone or other electronic communicating devices	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.
Behaving in a way as to undermine the integrity of the examination.			for example, attempting to obtain certificates fraudulently; attempted bribery.
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.		

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

- Vocational Certificate in IT

The moderator reported identical errors by all four candidates in 4 separate units. The centre assessor had since left the centre, but provided a statement in which he stated that because of computer problems in the centre he had to take the candidate files to his local library and set up the final draft by cutting and pasting the candidate's work to the floppy disks for submission.

- Outcomes:
- (a) The awarding body decided that it could not accept the scripts as there was evidence to suggest that the candidates had not done all the work. Therefore the candidates were required to retake the assignments.
 - (b) The awarding body also decided that the tutor responsible for the malpractice was to be subject to special conditions: not to be permitted to have any involvement with assessing the qualification until he submitted proof that he had attended a training course and completed the qualification himself.
 - (c) The centre was required to review its quality assurance procedures and report back to the awarding body on improvements.

- GCE A Level English Literature

The moderator reported that the candidate had copied extracts from a website into one of her two pieces of work, and had not acknowledged this in the bibliography. The centre investigated and reported that the website had been plagiarised, and the bibliography had not been included by the candidate, but had been added by the teacher, after the work had been submitted.

- Outcomes:
- (a) The candidate was disqualified from the unit for plagiarism.
 - (b) The teacher was severely censured for interfering with the work of a candidate and barred from involvement with the awarding body's examinations for a period of one year (suspension).

1.2 Breach of security

- GCE A level English Literature

The centre reported that due to a timetable clash several candidates were sitting a GCE English Literature unit in the morning session when it was scheduled for the afternoon session. During the examination the subject teacher entered the hall and looked at the question paper. Information relating to the nature of the paper was related to candidates taking the examination in the afternoon session by the teacher.

- Outcomes:
- (a) The awarding body decided to impose special conditions on the subject teacher's entry to any room in which an examination of that awarding body was taking place without the prior knowledge and agreement of the head of centre.
 - (b) For a period of not less than two years, the teacher was not allowed access to any examination papers of that awarding body until after the scheduled finishing time of the examination as stated on the published timetable, or later if the centre's own finishing time for any candidate was after that.
 - (c) The scripts of the candidates in the afternoon session were subject to special scrutiny.

2. Improper assistance to candidates:

2.1 Assisting candidates in the production of coursework

- GCSE Spanish

Moderators reported similar and identical work had been submitted by the candidates from this centre. The centre reported the similarities had come about because candidates had learned set phrases by rote, and the topics were the same as those used for the speaking unit.

- Outcomes:
- (a) The awarding body agreed that the candidates had been coached excessively for this assessment. No marks were given for any work which displayed similarities with that from other candidates, as there was a suspicion that it was not the sole work of the candidate concerned.
 - (b) The teacher was warned that the coaching had been excessive and was required to follow the guidance given in the specification. She was also advised to contact the subject officer for further advice (warning).
 - (c) The head of centre was required to report on the changes that would be made to ensure that this practice was not repeated in the future.

2.2 Assisting candidates in the production of answers

- GCSE Modern Foreign Languages, Italian Speaking Test

The examiner reported that on the tape recording of the Speaking Test the teacher conducting the test was whispering words in Italian to the candidate. In addition the tape had been paused a number of times which was prohibited in the regulations. The centre was asked to investigate the case and the teacher made a statement. The teacher stated that the words said to the candidate should not have been recorded. The centre reported that the teacher conducting the test was not a member of staff; the centre had used an agency to employ the teacher solely to conduct the Speaking Test. The teacher had told the centre that she was aware of all the requirements for conducting the Speaking Test.

- Outcomes:
- (a) The awarding body decided to impose special conditions on the teacher's unsupervised involvement in its examinations for a period of two years.
 - (b) The awarding body contacted the agency that had employed the teacher to ask for details of the training offered to those engaged in invigilation activities.
 - (c) The employment agency informed the awarding body that the teacher would be suspended from its register of teachers.

- GNVQ in ICT (Pre-release work)

Examiners noted that 20 candidates from an entry of 73 had an identical screen print and macro contained within their Task 2 pre-release material. These were dated the day prior to the examination. The centre initially concluded that although the candidates had used exemplar material, they had all previously created the macro themselves. The awarding body found this explanation unconvincing, however, and on further investigation the tutor stated that the day before the examination he had held an 'emergency preparation session' at which he had given exemplar material to the candidates. Despite instructions to the contrary given by the teacher, some candidates had used this material as their own.

- Outcomes:
- (a) The awarding body decided that the candidates had broken the regulations by submitting a macro which they had not done individually, but which had been given to them by their teacher. The normal penalty for attempting to pass off someone else's work as your own is disqualification from the unit, but as the candidates were acting under the guidance of their teacher, and they had previously done the work themselves, this penalty was mitigated to loss of marks for the questions in the paper which were based on the macro (penalty 2).
 - (b) The awarding body reminded the teacher of the relevant Instructions to Teachers which state that "Candidates can be given support and advice in the interpretation of the materials and tasks. They should not, however, be directly assisted in carrying out the tasks." The teacher was warned that his actions could result in his being barred from future involvement in examinations. The awarding body decided, however, that he should not be allowed to supervise the production of work which is to be assessed for external examination purposes, until he had received further training in the examination procedures relating to this specification (special conditions).

- Level 3 Communications Key Skills

Immediately following an examination, a candidate contacted the awarding body responsible for the examination to advise that an invigilator had provided answers to another candidate during the examination. The candidate who reported the incident advised that he had heard the candidate ask for assistance and heard the invigilator respond, though he could not hear what the invigilator had said.

The invigilator concerned recollected the incident but maintained that he did not supply answers to the questions. He reported that a candidate asked him what an abbreviation in the question meant. At first the invigilator refused but as the candidate was insistent and now disturbing other candidates in the examination room, he provided the candidate with the meaning of the abbreviation. This was not an answer to a question, but the candidate needed to understand the abbreviation in order to be able to answer the question. The candidate concerned made a statement which was in accord with that made by the invigilator.

- Outcomes:
- (a) It was not proved that the invigilator had supplied the candidate with answers to questions on the examination paper.
 - (b) It was determined that the invigilator had breached regulations by giving improper assistance to a candidate in providing a definition of an abbreviation.
 - (c) The invigilator was required to successfully complete a course of invigilator training and was barred from invigilating examinations for a period of one year (suspension).

3. Deception:

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

- Key Skills ICT

A centre identified potential malpractice when conducting a standardisation activity as part of the process of internal verification. It appeared that an assessor had falsified key skills assessment records for one candidate in order to meet candidate achievement targets.

- Outcomes:
- (a) The centre checked the records of other candidates allocated to the assessor and confirmed that this had been an isolated incident.
 - (b) The assessor was severely censured for falsifying assessment records and was barred from involvement with the awarding body's examinations for a period of two years (suspension).

4. Maladministration:

4.1 Poor invigilation

- GCSE Mathematics

The examiner reported identical answers and errors in the examination papers of the six candidates who comprised the whole entry from the centre. The candidates denied copying, but the centre reported that the invigilator was out of the room for a few minutes, and believed the candidates must have used this opportunity to copy.

- Outcomes:
- (a) The six candidates were disqualified from this examination (penalty 7).
 - (b) The invigilator was barred from invigilating examinations for a period of two years (suspension).
 - (c) The other awarding bodies were informed.

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 12 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 certificate from this centre.

- 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, and therefore centre approval was removed for all the awarding body's qualifications.
 - (c) The other awarding bodies were informed of this decision.

4.3 Disclosure of confidential examination material

- GCE Geography

A teacher discussed the content of confidential pre-release material for a GCE Geography examination on a public web forum for Geography teachers. The disclosure took place prior to the date on which the material was due to be made available to teachers. Although the precise content of the question was not released, the forum post indicated the general topic area to be discussed.

This incident potentially constituted maladministration on the part of the school's examinations officer, as it appeared that the confidential pre-release material had been released to the teacher in advance of the permitted date, and malpractice on the part of the teacher who had discussed confidential information on a public web forum.

Outcome: After investigation, a warning was issued to the examinations officer and the school was instructed that the teacher concerned should not have access to any confidential examination information or invigilate examinations for a period of 12 months (special conditions).

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 (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 4 days.

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

- Level 1 ICT Key Skills

The invigilators of an examination reported that a candidate did not comply with their instructions to remain silent either before or during the examination. Both invigilators provided statements confirming that the candidate was talking as he entered the examination room and on more than one occasion during the examination. In addition, it was reported that the candidate interrupted other students taking the examination by shouting at them to finish the examination as he was waiting to collect his results.

The candidate provided a statement recognising his disruptive behaviour and requesting that he be allowed to re-sit the examination in a responsible manner. There was no dispute with the invigilators' accounts of the events.

Outcomes: (a) It was determined that the candidate had breached examination regulations and disrupted fellow candidates.

- (b) The candidate's marks were reduced to zero and he was permitted to re-sit the examination after a specified period of time (penalty 4).

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

- GNVQ Leisure and Tourism

The centre reported that three candidates (A, B and C) had been given permission to write a GNVQ Leisure and Tourism examination in the morning rather than the afternoon because of a timetable clash. After the examination, while being escorted to a secure room, they had come across candidate D who had yet to write the examination. He was ordered to go away and not to speak to the other candidates. Candidates A, B and C then ran away from the teacher who was supervising them. These three were later discovered talking to candidate D. The candidates admitted to the offence, but claimed they just wanted to go out for 'a smoke'.

- Outcomes: (a) The awarding body decided that candidates A, B and C had failed to abide by the instructions of the invigilator, and they had compromised the security of the examination by breaking a supervision order. As a result of these multiple offences the candidates were disqualified from all qualifications taken in that series (penalty 8).
- (b) Furthermore the paper of candidate D was also compromised because he had spoken to the others in contravention of an invigilator's instruction. He was disqualified from the qualification (penalty 7).

- 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 write the Media Studies examination after the scheduled time because of a timetable clash broke the supervision arrangements before her Media examination, by briefly talking 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).

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

- GCSE Information Studies

The moderator reported that the coursework of all 6 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 of which 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 coursework of two candidates which led him to suspect that candidate A had copied the work of candidate B. Candidate B admitted he had showed 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 Unit

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 Sport and 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 very obviously turning round and gesturing to a friend who was ignoring her.

Outcome: This was regarded as a 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 a boy 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 leave the room.

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 4 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 normal duties. The school reported that the candidate had a history of aggressive antisocial 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 examination boards 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 students 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 students had been 'unsettled' by a late change to the examination location.

- Outcome:
- Three of the candidates were disqualified from GCSE English. The four students 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, coursework or portfolios

- GCSE Mathematics

The examiner reported that the candidate had made inappropriate responses on his examination paper. The candidate admitted the offence and claimed it was an impulsive action.

Outcome: The candidate was warned (penalty 1).

- GCSE Design Technology

The candidate's script contained several obscene comments including one specifically aimed towards the marker, 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 centre was thanked for reporting this matter but the awarding body considered 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 coursework before it was authenticated are 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 external 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, and 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

- GCSE 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 this 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

- Key Skills Application of Number

The invigilator reported that a calculator was discovered in the candidate's possession fifteen minutes into the hour and a quarter long, non-calculator examination. The candidate was using the calculator. The candidate's explanation was that he had missed both the formal instructions and those on the front cover of the paper.

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

- 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 lap-top 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 lap-top. The memory stick was confiscated approximately 30 minutes into the examination, and found to contain a large amount of material related to the GCSE History examination.

Outcome: The candidate was disqualified from that 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 writing 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.

Report of Suspected Malpractice

Confidential

This form is to be used by centres to report instances of suspected malpractice.

For guidance on how to complete this form please see page 5.

Awarding body

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Date of Incident

Time (AM/PM session)

--	--

Centre Number

Centre Name

<table border="1" style="width: 100%;"> <tr> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> </tr> </table>							

Candidate Number(s)

Candidate Name(s)

Examination/Assessment Details

<i>Qualification or Specification Code</i>	<i>Qualification or Specification Title</i>
<i>Component/Unit Code/ Batch Number</i>	<i>Component/Unit Title</i>

Name(s) of invigilator(s) / assessment personnel or other witness(es)

<i>Name</i>	<i>Role</i>

Complete Sections A, B, C and D as indicated.

SECTION A (ALL QUALIFICATIONS)

Describe the nature of the suspected malpractice including details as to how it was discovered, by whom and when.

SECTION B (VOCATIONAL QUALIFICATIONS ONLY)

Describe how the candidates were made aware of the examination or assessment regulations.

SECTION C

(ALL GENERAL QUALIFICATIONS – AND OTHER QUALIFICATIONS IF APPLICABLE)

Examinations

Was the 'Warning to Candidates' displayed both inside and outside the examination room?

YES	
NO	

Was the 'Notice to Candidates' displayed in a prominent place outside the examination room?

YES	
NO	

Had the candidates been issued with individual copies of the 'Notice to Candidates'?

YES	
NO	

Were candidates reminded of examination regulations at the beginning of this particular examination?

YES	
NO	

Controlled Assessments / Coursework

Had the candidate(s) been issued with a declaration of authentication?

YES	
NO	

Had the candidate(s) signed the declaration of authentication stating that all work completed was the candidate's own?

YES	
NO	

Was the Notice to Candidates issued to the candidate(s) prior to signing the declaration of authentication?

YES	
NO	

SECTION D (ALL QUALIFICATIONS)

If the incident involves disruptive behaviour, did the candidate's behaviour cause disturbance to other candidates?

YES	
NO	

If the answer to the above question is yes and you wish to request special consideration for other candidates, please complete Form 10 - JCQ/SC and submit it with this form.

If the incident involves the introduction of unauthorised material, is the unauthorised material enclosed?

YES	
NO	

If the answer to the above question is no, please give details below of the nature of the unauthorised material

--

If the case involves plagiarism please provide full details (i.e. title, author, edition, website, etc.) of the material plagiarised and include copies if possible.

--

If there are any other details you feel are relevant to this allegation including mitigating circumstances, please give further information below.

--

Supporting Evidence

Please indicate below the supporting evidence submitted with this report. ALL relevant information and materials should be submitted at this time. Evidence submitted subsequently may not be considered.

If submitting this form by email, please ensure that all supporting documents are scanned and attached (preferably as PDF documents) to the same email.

<i>Evidence submitted with this form</i>	
Statement(s) from invigilator(s)	
Statement from teacher/tutor/head of subject/assessor/internal verifier	
Statement from examinations officer	
Statement(s) from candidate(s)	
Statement from employer	
Seating plan of examination room	
Unauthorised material removed from the candidate(s)	
Scripts / Controlled Assessments / Coursework / Portfolios of the candidate(s)	
Copies of sources of plagiarised material.	
Assessment and Internal Verification or Moderation records	
Other (please give details)	

If statement(s) from the candidate(s) are not enclosed, please put a cross in this box to indicate that the candidate(s) have been given the opportunity to make a statement, but have chosen not to do so.

--

To be completed by the head of centre

Name		Tel No.	
Signature*		Date	

* Submission by email from the centre's registered email address will be accepted in place of a signature.

NOTES ON THE COMPLETION OF FORM JCQ/M1

This form should be used by the head of the centre to notify the appropriate awarding body of an instance of suspected malpractice in the conduct of examinations or assessments.

In order to prevent the issue of erroneous results and certificates, it is essential that instances of suspected malpractice are reported as soon as possible to the awarding body concerned.

Full details of the procedures which should be followed when investigating cases of suspected malpractice can be found in the Joint Council for Qualifications publication: Suspected Malpractice in Examinations and Assessments: Policies and Procedures, 1 September 2009 to 31 August 2010 this can be found on the JCQ website www.jcq.org.uk/.

Reports from centres must include:

- a detailed account of the circumstances surrounding the suspected malpractice including, in the case of disruptive behaviour, an indication as to whether the behaviour continued after warnings were given, and whether the candidate was removed from the examination room/assessment situation or not;
- the procedures for advising candidates of the regulations concerning the conduct of examinations and/or assessments;
- a report of any investigation carried out subsequently by the centre;
- signed and dated statements from the staff concerned (e.g. invigilators, assessors, teachers, tutors, etc.) on the centre's official letterhead paper;
- signed and dated statements from the candidate(s) concerned or a clear indication that they have been given the opportunity to make a statement; (in circumstances which make it inappropriate to interview the candidate, the centre should discuss the case in confidence with the awarding body);
- seating plans of the examination room (if appropriate).

This form is intended to be used as the basis for the report and may be used in cases involving staff as well as candidates suspected of malpractice.

If the first four pages of the form are printed on A3 paper, and backed, it can be used as a coversheet for supporting documentation.

This form may be submitted EITHER by post OR by email. Submission by email from the centre's registered email address will be accepted in place of a signature. When submitting the form by email, all supporting documents should be scanned and attached (preferably as PDF documents) to the same email, and the originals retained within the centre. Reports which require the inclusion of lengthy documents or candidate work should be sent by post. Centres should NOT submit the same report by both methods.

The awarding body concerned will acknowledge receipt of this form.

The form and supporting documentation should be returned to:

AQA

For subjects administered by Guildford

Irregularities/Malpractice
Candidate Services
AQA
Stag Hill House
Guildford
Surrey GU2 7XJ
irregularities-s@aqa.org.uk

For subjects administered by Manchester/Harrogate

Irregularities/Malpractice
Candidate Services
AQA
Devas Street
Manchester M15 6EX
irregularities-n@aqa.org.uk

CCEA

Irregularities/Malpractice
29 Clarendon Road
Belfast BT1 3BG
malpractice@ccea.org.uk

CITY & GUILDS

For candidate malpractice in connection with examinations

Policy - Malpractice
City & Guilds
1 Giltspur Street
London EC1A 9DD
policy@cityandguilds.com

For centre malpractice or candidate malpractice in connection with other assessment including NVQ

Senior Manager
Review and Regulation Department
City & Guilds
1 Giltspur Street
London EC1A 9DD
I&ACo-ordinator@cityandguilds.com

EDEXCEL

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Report of Suspected Malpractice

This checklist is intended to assist centres when completing a report of suspected malpractice.

It is the responsibility of the head of centre to ensure that these requirements have been met.

Reference is made to the requirements contained in the JCQ document:
Suspected Malpractice in Examinations and Assessments – Policies and Procedures.

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	Staff members and candidates have been informed of their individual responsibilities and rights (section 2.5) .		
2.	The individual, whether a candidate or a member of staff, accused of malpractice should		
	<ul style="list-style-type: none"> be informed (preferably in writing) of the allegation made against him or her; 		
	<ul style="list-style-type: none"> know what evidence there is to support the allegation; 		
	<ul style="list-style-type: none"> know the possible consequences should malpractice be proven; 		
	<ul style="list-style-type: none"> have the opportunity to consider their response to the allegations (if required); 		
	<ul style="list-style-type: none"> have an opportunity to submit a written statement; 		
	<ul style="list-style-type: none"> have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 		
	<ul style="list-style-type: none"> be informed of the applicable appeals procedure should a decision be made against him or her; 		
	<ul style="list-style-type: none"> 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 professional bodies including the GTC or IFL as appropriate. 		

This form should be enclosed with the report of your investigation.