Report of the Independent Commission on Examination Malpractice

Shape of the Commission Report

TABLE OF CONTENTS

Glossary of Acronyms

AA	Access arrangements
AAO	Access arrangements online (an application process for AA)
AB or AO	Awarding body or awarding organisation
ASCL	Association of School and College Leaders
BTEC	Business and Technology Education Council
CCEA	Council for Curriculum, Education and Assessment (Northern Ireland)
CIE	Cambridge International Examinations
CIEA	Chartered Institute of Educational Assessors
CIS	Centre Inspection Service (a JCQ body)
DCS	Direct claim status
EHCP	Education Health Care Plans
EO	Examinations officer
EPQ	Extended Project Qualification (equivalent to half an A-Level)
ESFA	Education and Skills Funding Agency
ETAG	Education Technology Action Group
ETF	Education and Training Foundation
EWC	Education Workforce Council (Wales)
FAB	Federation of Awarding Bodies

GCE	General Certificate of Education
GCR	General Conditions of Recognition (Document which sets out the relationship between Ofqual and AOs)
GCSE	General Certificate of Secondary Education
GDPR	General Data Protection Regulation
GMC	General Medical Council
GQ	General qualifications
GTCNI/ GTCS	General Teaching Council (Northern Ireland and Scotland)
IBO	International Baccalaureate Organisation
ICAEW	Institute of Chartered Accountants in England and Wales
ICE	Instructions for conducting examinations (a JCQ publication)
ICT	Information and Communications Technology
JCQ	Joint Council for Qualifications
MAT	Multi Academy Trust
NCFE	previously the Northern Council for Further Education
NCN	National Centre Number
OCR	Oxford, Cambridge and RSA Examinations

OIA	Office of the Independent Adjudicator for Higher Education
Ofqual	Office of Qualifications and Examinations Regulation (England)
Ofsted	Office for Standards in Education, Children's Services and Skills
QAA	Quality Assurance Agency for Higher Education
QTS	Qualified Teacher Status
QTLS	Qualified Teacher Learning and Skills
QW	Qualifications Wales
SENCo	Special educational needs co-ordinator
SEND	Special educational needs and disability
SET	Society for Education and Training
SpecCon	Special consideration
SQA	Scottish Qualifications Authority
STA	Standards and Testing Agency
TEO	The Exams Office (an organisation supporting examinations officers)
TRA	Teacher Regulation Agency (England)
VTQ	Vocational and technical qualifications
WJEC	previously the Welsh Joint Education Committee

1
Executive summary

1. The examinations system in the UK works well and there is a very low level of malpractice. The vast majority of people involved in the examinations system act with integrity and professionalism. However, the Commission was established by JCQ because each example of malpractice can damage the reputation of the UK's qualifications system and, with the advance of technology, the challenge is increasing for JCQ, awarding organisations, regulators and examination centres to prevent malpractice. The Commission has found many ways in which the system can be improved if good practice is to be encouraged, malpractice better prevented and, where it occurs, investigated and sanctioned.

2. Each of the sections of the report has a series of recommendations, which are brought together in section 15. The central points of the report are as follows:

AGREEING A SINGLE DEFINITION OF MALPRACTICE

3. Confusingly, there are several different definitions of malpractice and maladministration. The term malpractice should be used for both what is currently termed malpractice and what is currently termed maladministration, with the difference in degree of offence reflected in the level of sanction applied. A single definition of malpractice should be agreed. (Section 3)

BUILDING AN ETHICAL CULTURE

4. Throughout its year-long inquiry, the Commission has placed its work in an ethical context and has encouraged examination centres in particular, to adopt an ethical culture in which integrity in examinations and assessment is emphasised for both staff and students. Thus, heads of centre should build and maintain an ethical culture in which malpractice by students and staff does not take place. Everyone else in the institution – whether school, college or workplace – must buy into the ethical culture and act responsibly. (Section 5)

5. Such a culture of honesty and openness should enable staff and students to report matters of concern, and all centres should have a clear and comprehensive whistleblowing policy which identifies how to report concerns and which should include a commitment to do everything reasonable to protect the reporter's identity, if requested. (Sections 5 and 12)

6. The next reviews of headteacher and teacher standards should consider the inclusion of ethical leadership of the conduct of examinations in revised versions of the standards. (Section 5)

CLARIFYING THE ROLE OF HEADS OF CENTRE

7. In leading examination centres (schools, colleges and workplaces), heads of centre perform a critical role in the system. They should be knowledgeable about examination regulations and all aspects of procedure and should take the lead in preventing malpractice, striving to create a culture of integrity in which malpractice does not take place. (Section 6 and 7)

8. To do this effectively, heads of centre need better support from JCQ and awarding organisations. The support and training provided for the role of head of centre should be reviewed by JCQ and awarding organisations, in particular their role in preventing and investigating malpractice. (Section 5, 6 and 7)

BANNING MOBILE PHONES AND WATCHES

9. The increasing sophistication of internet-enabled devices and the difficulty of distinguishing between smart and non-smart watches presents a significant problem for the integrity of the examination system. The Commission recommends a ban on all types of watches, as well as on other internet-enabled and/or smart devices, including mobile phones, in examination rooms. (Section 8)

TECHNOLOGY AND SOCIAL MEDIA: PREPARING FOR THE FUTURE

10. The report lists a range of technology-based malpractice methods, which go well beyond mobile phones and smart watches. JCQ and awarding organisations need to keep the situation under constant review in order to continue to strive to future-proof the system against new technology-based malpractice. (Section 8)

11. In addition to possible technology-based malpractice, the Commission has considered ways in which technology can be used to prevent and investigate malpractice, such as improving the security of packets of examination papers. (Section 8)

12. JCQ should take the lead in facilitating the monitoring of the dark web for examination malpractice. This is the part of the worldwide web that allows users to remain anonymous and which is only accessible with special software. (Section 8)

13. JCQ should build a relationship with the National Cyber Security Centre and awarding organisations should draw on the practice of universities in using originality-checking software to check coursework and controlled assessments for plagiarism. (Section 8)

14. JCQ and awarding organisations should clarify that attempting to sell a hoax paper is a form of malpractice and subject to sanctions. (Section 8)

15. Malpractice varies according to the type of assessment being undertaken. All organisations in the system should prepare for different kinds of approaches to examinations that may emerge with the advance of technology and changes in teaching and learning practices. (Section 8)

16. The government should fund research into the barriers to extending digital and e-assessment, including potential malpractice issues, in order to prepare the UK examinations system for the future. (Section 8)

CREATING A DATABASE OF CERTIFICATED RESULTS

17. In order to prevent forgery of paper qualification certificates, a secure online database of certificated results should be considered by JCQ. (Section 8)

IMPROVING JCQ DOCUMENTATION

18. The Commission received many comments about JCQ documentation and the difficulty people experience in using it. JCQ itself has recognised many of the shortcomings of its material and has started the work of revising it. In the view of the Commission, JCQ documentation should be rationalised, simplified, dated, indexed and put on the JCQ website in a way that enables information to be easily searched. In-year changes should be avoided. Wherever possible, changes should be tested by users before being imposed on the whole system. (Section 10)

19. Mindful of the workload on centres created by the examination system, the Commission believes that JCQ and awarding organisations should review the demands on centres, with a view to reducing centre staff workload and rationalising the required information. (Section 10)

IMPROVING COMMUNICATIONS

20. In addition to better documentation, JCQ communications with examination centres could be greatly improved. JCQ should produce a new communications plan, considering how best to inform centres of changes to documentation at the time the changes are made. JCQ should consider how its communications strategy can help to prevent malpractice and spread the message about the serious consequences of malpractice for students and staff. There should be a regular JCQ monthly e-newsletter to centres, itemising changes to documentation and other news. (Sections 6, 7, 10 and 13)

21. In addition to the regulators' reports on malpractice data, JCQ should work with the awarding organisations to produce an annual report describing each year's malpractice. (Sections 6, 7 and 11)

22. JCQ should consider producing more advice on avoiding malpractice, specifically targeted at students. (Section 10) From the start of courses, centres should highlight to candidates the social media notice asking them to report any malpractice they see or suspect to senior staff of the centre. (Section 8)

23. JCQ should consult stakeholders on the potential benefit of centres requiring students to sign a form stating that they have read the regulations concerning the conduct of examinations and other forms of assessment, that they have understood the regulations and the consequences of committing malpractice. (Section 6)

GOVERNING BOARDS

24. JCQ should publish advice on examination malpractice for members of school governing bodies, the boards of multi-academy trusts, the boards of colleges, employers and training centres. Governing boards should receive reports from the head of centre about the conduct of examinations and assessments, as well as the results. Members of these bodies should work closely with awarding organisations in the investigation of the circumstances of any allegations of malpractice. (Section 5)

SUPPORTING EXAMINATIONS OFFICERS

25. Examinations officers (EOs) have a critical role to play in reducing malpractice. Their role has increased in recent years and they need to be well trained, well supported, have high status and good facilities in centres, and have pay and conditions that aid successful recruitment. EOs should be line-managed and actively supported by a senior member of staff with good knowledge of the examinations system. (Section 11)

26. There should be a non-mandatory professional qualification for EOs. JCQ, in consultation with the EO community, should consider establishing a training and qualification framework for EOs, subject to a Quality Mark system. (Section 11)

STAFF TRAINING

27. The examinations system is highly complex, with many thousands of people involved, large numbers of separate assessments and a complicated set of regulations and procedures. Training and professional development for all levels of staff in schools, colleges and workplaces should include training on the conduct of examinations and assessments with integrity. (Section 5)

28. Every examination centre should consider training a senior member of staff as a Chartered Assessor. (Section 6)

29. In addition to the establishment of an improved training framework for EOs, the level of invigilator training should be considered and, if necessary, raised and made mandatory. The understanding and competence of invigilators should be tested more rigorously. (Section 8)

ACCESS ARRANGEMENTS AND SPECIAL CONSIDERATIONS

30. The Commission does not have evidence of malpractice in access arrangements and special consideration applications, but it has concerns about the number of applications and the increase in number in recent years. The JCQ Board should commission further research to ensure that access arrangements and special considerations are designed in a way that creates a level playing field between candidates with disabilities and others, and should work to ensure that centres are using the system appropriately and in line with equality legislation. It should also commission research on the distribution of grades of students with 25 per cent extra time. (Section 9)

31. The data on the number of access arrangements are confusing. The regulators and JCQ should consider how the data on access arrangements can be collected and presented in a way that produces an accurate indication of the number of access arrangements in each examination series. (Section 9)

32. JCQ should work with organisations of special educational needs professionals to investigate the feasibility of engaging researchers to create a bank of tests that would be free for all centres to use when making access arrangement applications. (Section 9)

SCRIBES AND READERS

33. JCQ regulations should state that scribes and readers should have no personal connection with the student and should preferably be appointed from outside the centre. (Section 9)

IMPROVING MALPRACTICE DATA

34. The regulators and awarding bodies of England, Wales and Northern Ireland should seek to remove inconsistencies in their published malpractice data. (Section 4)

35. Data on malpractice in regulated and publicly funded vocational and technical qualifications should be collected more systematically and should be as comprehensive as the data on malpractice in general qualifications. (Sections 4 and 7)

CENTRE-BASED ASSESSMENT

36. Centre-based assessment (sometimes called non-examined assessment) includes controlled assessment, coursework and workplace assessment and is a key mode of assessment for many qualifications. Although external examinations provide better control of malpractice, centre-based assessment can provide greater breadth in the knowledge and skills being assessed and thus greater validity in the grade judgement in many general qualifications and awards in vocational and technical areas. For many vocational and technical qualifications, it is impossible to judge the standard of a candidate without centre-based assessment. JCQ should consult with awarding organisations and the representatives of heads of centre on more ways to prevent malpractice in centre-based assessment. (Section 7)

37. Centre-based assessments are normally subject to external moderation in order to check their accuracy. JCQ and its member awarding organisations should consider strengthening the moderation process for centre-based assessment. (Section 7)

INSPECTION OF EXAMINATION AND ASSESSMENT CENTRES

38. The JCQ Centre Inspection Service (CIS) should increase its capacity, so as also to be able to inspect vocational and technical assessment provision in centres. At present, awarding organisations carry out their own separate inspections or have other controls in place. The JCQ Board should reflect on the extent of the reach of its CIS and consider whether the scope of on-site CIS work should be broadened to include a robust end-to-end evaluation of the fitness of centres to deliver examinations and assessments ethically and without malpractice. (Section 12)

39. Awarding organisations in membership of JCQ and the Federation of Awarding Bodies (FAB) should work together to review the centre approval process to ensure that it is sufficiently rigorous and that potential conflicts of interest are minimised. (Section 12)

SANCTIONS FOR MALPRACTICE

40. The Commission believes that the existing range and level of sanctions applied by awarding organisations are appropriate. (Section 13)

41. Regulators, JCQ and awarding organisations should work to create greater consistency in ensuring that any action is proportionate to the gravity and scope of the malpractice when issuing sanctions, and clarify how this is to be done in a fair and equitable manner. (Section 13)

42. Publication of sanctions applied to malpractice cases could help to deter students and staff from committing malpractice. JCQ, on behalf of its member awarding organisations, should seek legal advice on the publication of details concerning cases of malpractice and their resulting sanctions. (Section 13)

2

Introduction

1. The Commission was established in July 2018 by the Joint Council for Qualifications (JCQ) under the chairmanship of Sir John Dunford. Membership was drawn from a wide range of education experts, representing higher education, further education, secondary schools, school governors and examinations and assessment organisations. The four national examinations regulators – Council for Curriculum, Education and Assessment in Northern Ireland (CCEA), Ofqual, Qualifications Wales (QW) and the Scottish Qualifications Authority (SQA) – together with Ofsted, acted as observers at Commission meetings. The International Baccalaureate Organisation (IBO), which is not a member of the JCQ, was an Observer from March 2019 onwards. The full membership of the Commission is set out at Appendix 1.

2. The work of the Commission has been funded by the JCQ. It has been carried out independently from JCQ, although JCQ staff have provided administrative support and the Commission chair has provided regular updates to the JCQ Board. A member of the policy team at AQA has assisted the chair with the writing of part of the report.

3. The Commission has had seven meetings. Evidence has been obtained through surveys of examinations officers, special educational needs co-ordinators and young people, and through a general call for evidence. Further evidence has been obtained in one-to-one meetings between the chair and key stakeholders in the field.

4. The Commission's terms of reference enabled its net to be cast widely. The overarching aim of the work has been 'to consider the nature, extent and drivers of malpractice in the examinations system and to make recommendations to all stakeholders in the examinations system on improvements that can be made to reduce and deter malpractice.'

5. At the heart of the Commission's work has been the goal of enhancing the reputation of examinations, and thus the qualifications resulting from them, in the UK, where the examinations system is considered by many people to be one of the most sophisticated and highly regulated in the world.

6. The UK's qualifications system is vast, with almost 13,000 different regulated qualifications on offer and nearly 11.5 million certificates awarded each year. Around half of these awards are for general qualifications such as GCSEs and A levels and half are for vocational and technical qualifications such as BTECs, Functional Skills qualifications and licence to practise qualifications. Qualification policies and procedures have to be secure and effectively communicated to the staff in the 6,000+ centres where examinations are delivered. The UK asks a lot of its examinations and assessment system and, in almost all cases, the system delivers successfully.

7. It has therefore been important for Commission members to bear in mind that the proportion of malpractice is extremely low. In 2018, 0.02 per cent of the total candidate population committed malpractice. Of the several hundred thousand teachers preparing candidates for examinations, there were 680 cases of confirmed staff malpractice in England, Wales and Northern Ireland, and 110 schools and colleges were found to have committed institutional malpractice.[1]

8. These are very small proportions, but the Commission was established by JCQ because of the recognition that any malpractice damages the reputation of, and confidence in, the UK's qualifications system. The system is challenged further because technology is moving so fast; it is therefore necessary for JCQ and its constituent awarding bodies to do everything possible to prevent malpractice now and in the future, and to deal with it robustly when it occurs.

9. There have been examples of malpractice in recent years that have attracted the attention of the media and such exposure can undermine the reputation of the system far beyond the circumstances of the individual publicised cases, creating the damaging impression that malpractice is much wider than indicated by the data.

10. The most important people in the examinations system are the candidates – mainly young people – whose futures depend on the results they obtain. For them, examinations and external assessments are high-stakes events. For these young people especially, it really matters that malpractice is minimised and the examinations playing field is as level as it can possibly be.

11. From the outset, the Commission's work has been set in an ethical context and an early section of this report is devoted to a discussion of ethics and teacher professionalism in relation to examinations and external assessment. Using the Nolan principles of public life to underpin our work, the Commission considered different types of malpractice and introduced the notion of an ethical spectrum – from outright cheating at one end to over-preparation, which may not be unethical in the strictest sense but could represent poor professional practice, at the other. Throughout the report, there is an emphasis on the need for an ethical culture in all institutions that are examination centres, a highly professional approach on behalf of all staff and a sense of responsibility on the part of students.

12. It is recognised that the high-stakes accountability system, with its potentially severe consequences for those staff whose students score badly or under-perform in examinations, exerts pressures on staff that lead some to commit malpractice. It is often said that the UK has a high-accountability low-trust system of external examinations and associated performance measures. The recent removal of much coursework, controlled assessments, science practicals and modern language orals, especially in England, lends weight to this view. Yet there are many ways in which the examinations system involves a high degree of trust, which relies on an ethical approach by professional educators and centre staff.

13. Government policy in England has narrowed general qualifications (GQ) examinations to traditional, timed, written papers at the end of the course with, it is argued, a positive effect on the reliability of the results. The smaller range of knowledge and skills thus being tested, however, can be said to have reduced the validity of results. The avenues for malpractice may have been reduced, but the drivers of malpractice remain and continue to exist at both individual and institutional levels.

14. In contrast to GQ examinations, assessment in vocational and technical qualifications (VTQ) naturally includes workplace assessment as well as the coursework elements that have been removed from GQ in England. Indeed, centre-based assessment is the main component of many VTQs and, in a large number of qualifications, is the only

way in which knowledge and skills can be properly assessed. Additional drivers of malpractice in VTQ arise from the relationship between employers and training providers and these are discussed in section 7 of this report, as well as in section 5 in the context of an ethical approach.

15. Ethical issues also arise in considering the work of awarding bodies and their staff. The avoidance of malpractice and conflicts of interest of question-setters and reviewers in England has been considered by Ofqual, following well-publicised instances of malpractice in 2016. The Ofqual recommendations have been implemented only recently and therefore the Commission has not re-opened this question.

16. The forms of malpractice in external examinations and in centre-based assessment are dealt with in sections 6 and 7 respectively.

17. The rapid development of technology produces its own challenges for awarding organisations, schools, colleges and workplaces and it is shocking to read advertisements for technological tools deliberately targeted at students who might be tempted to cheat. However, there is also an increasing number of ways in which technology can be used positively to deter and detect malpractice. The influence of technology – both on items that may be used to cheat and on ways that may be used to prevent cheating – merits separate consideration and is discussed in section 8 of this report. The potential for technology to open up new ways of assessing and examining students, which are less open to malpractice, is also touched upon.

18. The increase in the number of access arrangements (AA) and the difference in the number of applications for AA between centres have led the Commission to examine the AA applications process and this is fully discussed in section 9. The high number of applications for special consideration also merits further evaluation.

19. JCQ regulations and procedures have increased in volume and complexity, with rules and regulations being added and subtracted each year. It is a big task for a new examinations officer (EO) to learn and implement all these regulations, with the degree of precision required by the system. The need for these to be revised, simplified and made more accessible is discussed in section 10 and the

Commission's draft recommendations in this area were passed to the JCQ Board in March 2019, so that the Board could consider whether any of these recommendations could start to be implemented before this report was published.

20. The particular role of the head of centre in each establishment is discussed in both sections 5 and 10. In section 5, the potential conflict of interest between the head of centre's responsibilities and accountabilities for the conduct of examinations and the responsibilities and accountabilities for the examination results of the students is discussed. In section 10, the lack of clarity within JCQ documentation is a particular issue for heads of centre, who are ultimately responsible for ensuring that examinations are carried out according to the regulations.

21. School and college boards of governors and trustees need to be aware of these issues if they are to hold the head of the institution to account for the proper conduct of examinations. The particular responsibilities of governing boards are discussed at the end of section 5.

22. Examinations officers are key to the administration of a successful system. They have a difficult and often stressful task to perform and centres and candidates rely on the work of EOs being accurate and ethical. There is a worryingly high turnover of EOs, with many leaving post each year, and so the Commission has looked in section 11 at how EOs can be better supported.

23. All awarding organisations (AOs) within the JCQ membership have malpractice teams, whose work lies exclusively in the prevention and detection of malpractice and the investigation of cases brought to their attention. In sections 12 and 13, the report looks at this process and at the range of sanctions applied, both by AOs, using the JCQ table of reference, and by the teacher registration authorities in the four countries when they have been asked to deal with serious cases of malpractice.

References

1   *In Scotland, these data are collected in a different way. See section 4, paragraphs 34-35.*

3

Defining malpractice in public examinations

MALPRACTICE AND MALADMINISTRATION

1. In its definition of malpractice, JCQ states that:

    Malpractice, **which includes maladministration and non-compliance with the Regulations**, 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.

    Failure by a centre to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in itself. Also, failure to take action as required by an awarding body, as detailed in this document, or to co-operate with an awarding body's investigation, constitutes malpractice. (Emphasis in the original.)[1]

2. The JCQ definition subsumes maladministration within the term malpractice. The difference, if any, between the two terms is not easy to interpret. This also runs at odds with the information provided by some JCQ members. For example, NCFE provides definitions for both terms and effectively differentiates the level of severity. It states:

    Malpractice may be more likely to have greater implications for the centre and learner. As such, we treat all cases of potential malpractice very seriously.[2]

3. This is to some degree reflected in the definitions provided by SQA, in that malpractice is deemed more likely to be:

    . intentional and aims to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance

    whereas maladministration is defined:

    . as including incidents that arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements.[3]

4. OCR also uses the terms malpractice and maladministration in its stated definitions, including maladministration within malpractice:

    . Malpractice is any act or practice which breaches regulations.

    . Maladministration, the failure to comply with regulations, is also considered malpractice.[4]

5. City and Guilds follows this pattern. AQA, CCEA and WJEC do not explicitly define malpractice or maladministration on their websites but provide links to JCQ documentation. However, in the cases where separate definitions are provided, the differences between the two terms are vague, with the interpretations used by NCFE and SQA suggesting a form of hierarchy.

6. The JCQ definition runs somewhat against more common definitions found in dictionaries in which malpractice is more closely associated with improper or negligent professional conduct or a criminal wrongdoing, whereas maladministration is more likely to be associated with inefficient or dishonest administration or management e.g.:

    . Malpractice: illegal, careless, or dishonest behaviour that someone is guilty of in their work in a profession;

    . Maladministration: lack of care, judgement, or honesty in the management of something.[5]

7. It is for JCQ and the AOs, rather than this report, to discuss these differences and come to a common definition that can be readily understood by all stakeholders and examination candidates. However, there appears to be no clear dividing line between malpractice and maladministration and, as discussed in section 5 below on ethics and professionalism, there is a spectrum of malpractice, which includes elements of what might be described as maladministration.

8. Malpractice can be more or less serious, as can maladministration, but when the latter is dishonest or intentional, it surely constitutes malpractice. One could define malpractice as intentional rule breaking and maladministration as unintentional rule breaking. It is, however, very difficult to prove intent and a high level of maladministration could of itself be described as malpractice.

9. Confusingly, the Standards and Testing Agency (STA) uses only the term maladministration for rule breaking in tests for 11 year olds.

10. Because of the difficulty in distinguishing clearly between malpractice and maladministration, it is therefore **recommended** that the term malpractice is used for both what is currently termed malpractice and what is currently termed maladministration, and that the difference in degree of offence is reflected in the level of sanction applied.

WHOSE REPUTATIONAL DAMAGE?

11. The difference in the presentation of malpractice by JCQ members also differs in reference to reputational damage. Whilst the JCQ definition refers to damaging 'the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre', Pearson[6] and SQA[7] refer more heavily to safeguarding the reputation of the awarding organisation.

12. NCFE is alone in citing potential damage to the reputation of the education sector.

13. Despite references to the conditions stipulated by the regulatory authorities in England, Wales, Scotland and Northern Ireland, the JCQ malpractice and maladministration definition does not make clear how cases of malpractice or maladministration by 'assessment personnel such as examiners, assessors, moderators or internal and external verifiers' are handled. Indeed, there is no further mention of 'assessment personnel', other than reference to 'examining personnel contracted to the centre'. This creates an impression that malpractice and maladministration are primarily concerns over the conduct of centres, their staff and pupils.

14. Assessment personnel have contracts with AOs, which specify the AOs' expectations concerning professional conduct. When assessment personnel commit malpractice, this is managed in two ways. On the one hand, the JCQ process is followed in terms of managing the incident and, in this context, the assessment personnel are dealt with in their capacity as teachers. In parallel with this process, other internal processes are followed in relation to their assessment roles. In terms of their relationship with the AO as assessors, this may vary according to each AO's policies.

15. It is **recommended** that JCQ sets out more clearly the position regarding malpractice by 'assessment personnel'.

LEGAL AND REGULATORY DEFINITIONS

16. The regulations contained in Condition A8 of the Ofqual Handbook (November 2018) refer to the awarding organisations taking steps to prevent any adverse effects maladministration and malpractice may give rise to. This is not noted in JCQ policy or on any of the member AOs' documentation.[8]

17. It should be noted that Ofqual does not provide any definition of malpractice or maladministration. It is perhaps worthy of note here that the Local Government Act (1974) which created the Commission for Local Administration, usually known as the Local Government and Social Care Ombudsman (LGO), was established to deal with complaints regarding sustained injustice in consequence of maladministration in connection with the action taken by or on behalf of a local authority. However, 'maladministration' is not defined in the legislation, although the LGO website does provide examples of 'service failure' which could give rise to a complaint.[9]

18. Ofqual takes a similar approach in providing examples of compliance and non-compliance relating to awarding organisation staff. This approach is not mirrored by the JCQ policy document, which restricts its examples to centre and candidate malpractice.

19. The Commission is aware that JCQ is currently considering a revised definition of malpractice. While this is to be welcomed, some of the language required for legal reasons and by the regulators might not be suitable for non-expert audiences. The Commission therefore **recommends** that a standardised and plain English (and plain Welsh in Wales) definition of malpractice should be agreed by JCQ, the AOs and the regulators.

20. In the research report on student views commissioned by the Commission, there was some confusion around collusion and plagiarism and what constituted malpractice among students. For example, 38 per cent of respondents thought it was acceptable to look at someone else's coursework for ideas before it was submitted, with 31 per cent stating that they would only receive a warning if such an action were detected. In comparison, only one per cent thought they would receive no punishment for looking at someone else's work during an examination. 21 per cent of respondents thought it acceptable for teachers or other staff to give hints and tips during an examination or assessment. These statistics further highlight the need to have a consistent plain language definition of malpractice, and an accompanying list of examples, suitable for non-expert audiences.

21. An area worthy of further consideration is the way in which STA deals with similar activity in the administration of national curriculum assessments. STA, which is regulated by Ofqual, refers solely to maladministration, as we have noted above, but covers broadly the same territory as the JCQ malpractice and maladministration policy. All-through schools have to deal with tests at age 11 and also GCSEs and A-levels. According to DfE figures, there are currently 163 state-funded all-through schools. The difference in definitions between STA, JCQ and the AOs may add further confusion for the public in general and for all-through schools in particular.[10]

POTENTIAL IMPACT OF DIFFERENT DEFINITIONS

22. Given the impending introduction of new technical qualifications, T-levels, from 2020 it may be beneficial to co-ordinate definitions more widely, in order to ensure public and professional understanding of malpractice.

23. The potential impact of sanctions that AOs can place on centres, heads of centres, departments, members of staff and students, can be severe, leading to banning a centre, department or individual from accessing qualifications and impacting on students in potentially restricting their future career prospects.

24. This level of potential severity is likely to attract legal challenge to sanctions imposed by AOs and it would therefore seem wise and in the best interests of candidates, centres and their staff, AOs and the regulatory authorities, for AO definitions to be in full alignment.

25. Having said this, any agreed definition should be flexible enough to cover unprecedented causes of malpractice resulting, for example, from innovative use of technology.

Recommendations

1. **JCQ, its member organisations and the regulatory authorities should consider whether the term malpractice should be used to include both what is currently termed malpractice and what is currently termed maladministration, with the difference in degree of offence reflected in the level of sanction applied.**

2. **JCQ, its member organisations and the regulatory authorities, should:**

   i. **review current definitions of malpractice and maladministration**

   ii. **clearly define malpractice, in the interests of public accountability**

   iii. **agree a definition of malpractice that is as free as possible from jargon, and is accessible to a non-expert audience**

   iv. **agree alignment of the definition with all member organisations**

   v. **co-ordinate definitions and approaches between JCQ, FAB and STA.**

3. **JCQ should set out more clearly the position regarding malpractice by 'assessment personnel'.**

References

1   JCQ, 2018. General and vocational qualifications. Suspected malpractice in examinations and assessments. Policies and procedures. 1 September 2018 to August 2019, p.3.

2   https://www.qualhub.co.uk/media/1080/maladministration-and-malpractice-policy.pdf

3   SQA. Malpractice: Information for Centres. April 2018 https://www.sqa.org.uk/files_ccc/MalpracticeInformationForCentres.pdf

4   https://www.ocr.org.uk/administration/stage-3assessment/malpractice/

5   https://dictionary.cambridge.org/dictionary/english/maladministration

6   https://qualifications.pearson.com/en/contactus/students/reporting-suspected-malpractice.html

7   https://www.sqa.org.uk/sqa/files_ccc/MalpracticeInformationForCentres.pdf

8   https://www.gov.uk/guidance/ofqual-handbook/section-a-governance

9   House of Commons Briefing Paper. The Local Government Ombudsman. Number 04117, 17 July 2017. researchbriefings.files.parliament.uk/documents/SN04117/SN04117.pdf

10 DfE: Schools, pupils and their characteristics: January 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719226/Schools_Pupils_and_their_Characteristics_2018_Main_Text.pdf

4

Malpractice data

AVAILABILITY OF MALPRACTICE DATA

1. This section looks at recent data on the types of malpractice committed and the penalties issued for malpractice for students, staff and centres across the United Kingdom's four nations.

2. While these are, of course, the data for known reports of malpractice, a common theme throughout the data released by each of the four regulators is that malpractice is very rare when compared to the number of examination candidates, teaching staff and schools.

3. Perceptions on this vary: in a survey of examination officers, The Exams Office found that a significant minority, 17 per cent, of respondents considered that malpractice was widespread in the examinations system, while 83 per cent felt it was not common. However, 62 per cent of respondents reported experience of dealing with malpractice by students and 5 per cent by staff.[1]

4. Ofqual releases official statistics on examination malpractice in **England[2]**. These are for GCSEs, AS-levels and A-levels using data submitted by AQA, OCR, Pearson, CCEA and WJEC.

5. SQA publishes data on candidate and centre malpractice, but not data on individual staff malpractice for examinations in **Scotland.[3]**

6. Qualifications Wales (*Cymwysterau Cymru*) releases data on malpractice in GCSEs, AS-levels and A-levels in **Wales**.[4]

7. The Council for the Curriculum, Examinations and Assessment (CCEA) publishes malpractice data for **Northern Ireland[5]**. These data are rounded to the nearest five.

8. There are many commonalities in the data collected by the regulators in England, Wales and Northern Ireland. While the Commission recognises that any changes in the data they collect and publish might be difficult to achieve due to their status as official statistics (with the exception of SQA) and the consequent need to run a consultation on proposals for changes, the Commission also notes that the data are not presented in a consistent format across the four regulatory bodies. This makes comparisons difficult and may make the data harder to read for non-specialists.

9. Some of the differences in the rates of malpractice in each of the nations might be explained by differences in the examinations themselves. In England, for instance, there is less coursework in general qualifications and thus a lower recorded level of plagiarism.

10. It is **recommended** that the regulators and awarding bodies of England, Wales and Northern Ireland should seek to remove inconsistencies in the malpractice data they collect, report and publish and the format in which findings are presented.

11. Owing to differences in population size, instances of malpractice in Scotland, Wales and Northern Ireland are often so small they fall below the level of disclosure and are reported as 'fewer than five' rather than as a specific number. A small increase in the number of instances of malpractice (e.g. from three to six) can therefore be represented as a "100 per cent increase".

12. People who spoke to the Commission expressed concerns about the extent to which awarding organisations can share information with each other, particularly that data on malpractice could only be shared for cases that were proven.

STUDENTS

13. Malpractice data are published on an annual basis. The most recent series for which data are available is summer 2018. Ofqual published a breakdown of malpractice data in **England,** which is detailed and visually engaging.

14. Students were given 2,735 penalties, which was remarkably similar to the 2,740 who received penalties in 2017. This represents just 0.02 per cent of all entries. Of these, 64 per cent were given due to students bringing unauthorised materials into the examination hall, 8 per cent due to students having inappropriate material in their answers, 7 per cent for disruptive behaviour, 2 per cent due to plagiarism and 19 per cent for other reasons. Of those who brought unauthorised materials to their examinations, in three-quarters of instances this was a mobile phone.[6]

15. While the number of student malpractice instances remained stable from 2017 to 2018, the causes

differed slightly. There was an increase in the number of instances involving unauthorised material, and a 90 per cent reduction in the number involving plagiarism. The latter is likely to have been due to fewer qualifications involving non-examination assessments (coursework).

16. Of the penalties issued to students, there was a reduction in the most severe (loss of certification) and least severe (a warning) categories of penalty of 13 per cent each. There was a 16 per cent increase in the middle penalty category (loss of marks). At 52 per cent, loss of marks remains the most common type of penalty issued.

17. The 2,735 penalties issued in 2018 were given to 2,570 students, so most were one-time offenders as presented in the data: 95 per cent received one penalty, 4 per cent received two penalties and 1 per cent received three or more penalties.

18. In **Scotland**, SQA notes, the number of accusations of malpractice by candidates sitting their National 5, Higher and Advanced Higher examinations 'remains extremely low'. Of 298,015 entries in Scotland in 2018, penalties were issued in 204 instances, which equates to 0.07 per cent of entries. This constitutes a very slight increase from the 183 penalties issued in 2017. Of these 204 penalties: 73 were issued due to plagiarism, 45 for mobile phones, 31 for other prohibited items including notes, 29 for collusion and 23 for offensive or frivolous content.

19. There are different categories of penalty issued in Scotland. The spread of penalty severity is a little harsher in Scotland. Of these 204, 25 resulted in a revision of marks and 63 involved a warning. A majority, 116, involved cancellation of the award.

20. In **Wales**, 210 penalties were issued to students in 2018, an increase from the 180 penalties issued in 2017. Qualifications Wales stated that this represented one penalty for every 5,000 entries (0.02 per cent).

21. In Wales, as in England, unauthorised materials – and specifically mobile phones – were the most common cause for receiving a penalty. Mobile phones account for 45.7 per cent of penalties. Disruptive behaviour, talking, unauthorised material other than a mobile phone, and inappropriate responses account for 11.9 per cent, 11.9 per cent, 7.1 per cent and 5.7 per cent respectively. Plagiarism remains uncommon at 3.8 per cent. 13.8 per cent of penalties were

issued for 'other reasons'. It should be noted that qualifications outside England continue to have more coursework relative to the reformed qualifications in England.

22. Proportionately more penalties were issued for GCSE candidates (0.022 per cent) than for AS-level and A-level candidates (0.014 per cent). 96.6 per cent of those who received a penalty received only one. The remaining students received two penalties. No-one in Wales received three or more penalties. Of the 210 penalties in Wales, 125 involved a loss of marks and 60 involved a warning. 35 resulted in loss of certification.

23. In **Northern Ireland**, 115 penalties were issued to students for malpractice in 2018, an increase from 85 in 2017. As in England and Wales, the most common reason for which a penalty was issued was having a mobile phone. 40 penalties were issued for this reason. 20 penalties each were issued for plagiarism and copying from another candidate. 10 each were issued for communication during an examination and for other unauthorised materials. Fewer than five were issued for disruptive behaviour and for inappropriate responses. The most common penalty issued in Northern Ireland, at 65, was a loss of marks. 30 penalties were issued in the form of a warning and 20 resulted in a loss of certification.

STAFF

24. In **England**, the number of penalties issued to school and college staff was down considerably from 2017. 620 were issued in 2018, compared to 1,030 the year before. This is very low, given the large number of teaching and support staff involved in examinations. This is, however, higher than in 2014, 2015 and 2016. Staff malpractice incidents increased slightly in each of those years, but in each year fewer than 400 penalties were issued.

25. The reasons these penalties were issued to staff remained largely consistent with 2017. At a little over 40 per cent, maladministration made up the largest category of reasons for which penalties were issued. Improper assistance to candidates was the next most common. Breaches of security were third. Together, these account for almost all penalties. Fewer than five penalties were issued

for deception, down from 25 the previous year, and in 2018 there were no instances of failure to co-operate with an investigation.

26. The 620 penalties were issued to 475 staff, suggesting that 77 per cent were penalties for one-time offenders. The most common form of penalty issued to staff members remained a written warning. 345 of these were issued, a 34 per cent reduction on the year before. The next most common is the requirement for training or mentoring – a 20 per cent reduction from 2017 – at 165. 85 penalties involved special conditions. 30 involved suspension from involvement in examinations, an 82 per cent reduction compared to the 155 of the previous year.

27. While SQA provides data for penalties to schools or colleges in **Scotland**, it does not do so for staff.

28. Qualifications Wales stated that 15 penalties were issued to staff in **Wales** in 2018, an increase from 10 in the previous year. These 15 penalties were issued to 10 staff members, all of whom had committed one offence, but some of whom received two penalties for that offence.

29. In Northern Ireland, 45 penalties were issued to staff in 2018, a small increase from 40 in 2017. Of the 20 offences committed by staff in Northern Ireland, 10 were due to improper assistance to candidates, and fewer than five each for breaches of security, deception and maladministration. There were no instances of failing to co-operate with an investigation or failing to comply with access arrangements. CCEA noted that the number of penalties issued does not match the number of offences, as staff may receive one penalty for multiple offences or multiple penalties for one offence.

30. Of the 45 penalties issued, 15 were written warnings, 10 were a requirement for training, 5 were suspension from involvement in examinations and 10 were special conditions for the individual's future involvement in examinations.

SCHOOLS AND COLLEGES

31. In **England** in 2018, 95 penalties were issued to centres, representing just one per cent of schools and colleges. This was a reduction from 165 penalties in 2017. Ofqual noted that this was such a small number and proportion that it was difficult to draw conclusions about the reasons behind this reduction in England.

32. 2018 was the latest year in a downward trend in penalties for centres since 2014. These 95 penalties were issued to 80 centres – most were one-time offenders. Four-fifths of those penalised were given a single penalty, with one-fifth issued with two penalties.

33. Maladministration was the reason for a majority of these penalties, with over 60 per cent in 2018 (up from a little over half in 2017). Breaches of security were the second most common reason in 2018. Together, these represented over 95 per cent of 2018 penalties. The number of instances of improper assistance to candidates by centres was down from 25 to just 5. There were no instances of centres being penalised for failure to comply with regulations. Of the 95 penalties given, 60 were written warnings (down 32 per cent), 25 involved the centre being required to review and provide a report (down 60 per cent).

34. In **Scotland**, SQA records data on the centre malpractice investigation process, including concerns which were logged but did not result in a finding of malpractice. In 2018, 270 concerns were logged (up from 108 in 2017), of which 8 investigations are ongoing, 27 were closed at the screening stage and 235 warranted an investigation. Of these 235, 143 resulted in a finding of malpractice (up from 51) and 92 in no finding of malpractice. 207 of the concerns were logged by SQA staff and appointees and 63 in other ways.

35. Of the 143 concerns that were investigated and resulted in a finding of malpractice, 123 were because assessment conditions were not applied, 13 were due to a failure of administrative systems, 5 were because internal assessment was not in line with standards and 2 were for other reasons. Of the 143 findings of malpractice, 93 measures were issued to centres. SQA noted that it issued fewer measures than findings of malpractice,

because 'in many instances centres acknowledged the problems that had arisen, and identified their own comprehensive improvement actions.' Of the 93 measures, 54 were the provision of specialist subject support, 20 were that the centre must create an action plan, 7 involved quality assurance, 4 were an adjustment to marks, 3 were other actions required of the centre and one was specialist systems support. In two instances, centres were de-approved from providing qualifications.

36. In **Wales**, 10 penalties were issued to schools and colleges. This was up from fewer than five in 2017.

37. In **Northern Ireland**, five penalties were issued to centres. Fewer than five were for breaches of security and fewer than five were due to maladministration.

38. Fewer than five of these were issued each in the form of a written warning and the centre having to provide a report. None was issued in the form of needing approval for specific assessment tasks, increased levels of inspection, restriction on access to examination materials, independent invigilation, suspension of entries or withdrawal of recognition as a centre.

AWARDING BODY STAFF, EXAMINERS AND MARKERS

39. No data is publicly available on misconduct by AO staff, examiners and markers, although some examiners and markers are included in the general data in their capacity as teachers. Staff misconduct is reported to the regulators as part of the AO issue notification process. Public confidence in the examinations and qualifications system would be enhanced if this figure, which is extremely small, were to be published annually.

40. It is therefore **recommended** that AOs should report to regulators misconduct involving those who work for AOs, either as employees or contracted staff, where the misconduct involves examination malpractice.

VOCATIONAL AND TECHNICAL QUALIFICATIONS (VTQ)

41. The extent, quality and availability of data on malpractice in VTQ are very poor, in comparison to data on malpractice in general qualifications (GQ). This was commented on in 2018 by the Education Select Committee, which looked for parity in GQ and VTQ malpractice data. The situation is recognised by the regulators and, after a period of consultation, a new data collection system is being put in place for VTQs.

42. It is therefore **recommended** that regulators and AOs should consider how data on malpractice in regulated or publicly funded VTQ can be collected more systematically and reported publicly, in line with malpractice data in GQ. This should be sensitive to the need not to overburden smaller AOs.

43. Some smaller or independent training providers are reluctant to share information with their awarding organisation, claiming GDPR concerns, which can hinder the collection of accurate malpractice information.

Recommendations

1. **The regulators and awarding organisations of England, Wales and Northern Ireland should seek to remove inconsistencies in the malpractice data they collect, report and publish and the format in which findings are presented.**

2. **Awarding organisations should report staff misconduct numbers to regulators, where it involves examination malpractice. Regulators should report malpractice data on awarding organisation staff, examiners and markers.**

3. **Regulators and awarding organisations should implement a system of data collection and publication on malpractice in regulated or publicly funded VTQs that is systematic and reported publicly, in line with malpractice data in GQs.**

References

1   See Appendix 4.

2   https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765268/Malpractice_for_GCSE_AS_and_A_level_summer_2018_exam_series.pdf

3   https://www.sqa.org.uk/sqa/90538.html

4   https://www.qualificationswales.org/media/4020/malpractice-for-gcse-as-and-a-level-in-walessummer-2018.pdf

5   http://ccea.org.uk/sites/default/files/docs/accreditation/statistics/general/18_19/Malpractice%20in%20GCSE%2C%20AS%20and%20A%20level%20summer%202018%20Northern%20Ireland.xlsx

6   Unauthorised materials include: notes, study guides, own paper, mobile phones and other electronic devices. Inappropriate material in scripts includes offensive, obscene, sexist and racist material. See https://www.jcq.org.uk/exams-office/malpractice/suspected-malpractice-inexaminations-and-assessments-2018-19 p35.

5

Ethics, professionalism and accountability in examinations and assessments

1. The Commission has been clear from the outset of its work that its commentary and recommendations should be firmly rooted in an ethical context and in the professionalism of the staff involved in administering examinations and preparing students for them. As a starting point for our deliberations, we considered the Nolan principles of public life and the recommendations of the Ethical Leadership Commission of the Association of School and College Leaders (ASCL).

THE NOLAN PRINCIPLES OF PUBLIC LIFE

2. ASCL's Ethical Leadership Commission, reporting in January 2019, based its Framework for Ethical Leadership in Education on the seven 'Nolan principles' of public life: *selflessness, integrity, objectivity, accountability, openness, honesty and leadership* and seven values *of trust, wisdom, kindness, justice, service, courage and optimism.*[1]

3. The Nolan principles can also be interpreted more directly in the context of our work on malpractice. Thus, *selflessness* – defined as acting in the public interest – could be seen as doing everything possible to ensure that the examination results accurately reflect each student's own achievement. *Integrity* means acting in an ethical way in all aspects of the examinations. *Objectivity* means being completely unbiased in relation to examinations and students.

AN ETHICAL SPECTRUM

4. It is a matter of professionalism that teachers and school leaders want their students to perform to their highest potential in examinations. It is part of this professionalism that teachers do their best to ensure that students are as well prepared as possible for their examinations, so that they achieve the highest marks of which they are capable on the day. In pursuit of this aim, teachers often work through past papers with their students, discuss the sort of questions likely to appear, explain mark schemes and support students in revising effectively.

5. For coursework assignments and controlled assessments, teachers follow the rules set by awarding organisations. They set out clear guidelines for their students on how to produce successful coursework and make suggestions on how early drafts can be improved, although on some courses no help at all is permitted. However, the question is often raised about the point at which teaching how to produce good coursework becomes too directive as to what the coursework should include.

6. At some point, appropriate examination preparation can become inappropriate direction of students and the curriculum narrows to become almost entirely preparation for the test. Twenty per cent of respondents to the Commission's student survey were of the view that lessons focussed on a specific assessment were not acceptable, with a further 8 per cent being unsure[2]. Such an approach is not good professional practice, but it is arguable whether it is unethical. On coursework, too much direct help certainly strays into the unethical.

7. So there is an ethical spectrum, which goes from no direct reference to the final assessment, through over-preparation, to outright cheating. Some of these activities arise from the pressure of the accountability system and a culture in some schools and colleges where there is an insufficiently strong ethical basis for policy-making and practice. Different forms of examination malpractice or unethical behaviour, many of which are mentioned in JCQ guidance, include (not in priority order):

   a. Tampering with candidates' scripts or coursework before despatch to the awarding body

   b. Fabricating coursework

   c. Giving improper assistance to candidates during an examination or assessment

   d. Loss – or claiming loss – of candidates' coursework

   e. Breaches of security of examination papers before the correct start time

   f. Passing information to students about the content of forthcoming examination papers or practical assessments

   g. Leaving a candidate unsupervised during an examination

   h. Candidates wrongly given extra time for an examination

i. Invigilators not following the rules, such as allowing candidates to communicate or use unauthorised material brought into the examination room

j. Candidates subject to an examination timetable variation not being kept under proper supervision and/or being allowed contact with other students

k. Plagiarism in coursework

l. Not identifying a candidate: for example; spoken English oral examinations conducted by an examiner in a different location from the candidate without a guarantee of the identity of the candidate

m. 'Off-rolling' students, i.e. excluding school students likely to do badly in examinations[3]

n. Restricting students' subject choices in the interest of the school's or college's performance indicators, rather than in the interests of the student

o. Over-preparation for examinations, to the exclusion of other teaching

8. These different types of activity can be placed on an ethical spectrum and show clearly why it is necessary to have a range of sanctions according to the severity of the malpractice. To this end, the JCQ, through its Centre Inspection Service, and AOs make strenuous efforts to deter and investigate malpractice.

9. In our public call for evidence[4], more than 10 per cent of respondents each mentioned being aware of the following six forms of malpractice:

Forms of malpractice	Frequency (% of respondents)
Teacher over-assistance	39
Possession or use of mobile phones by candidates	32
Plagiarism by candidates	32
Possession or use of unauthorised materials by candidates	23
Maladministration by examination centres	18
Cheating in examinations by candidates	13

10. The responses to the Commission's call for evidence formed a self-selecting sample and were not a representative group of all people engaged in examinations and assessment. It is possible that those aware of malpractice were disproportionately likely to respond.

11. In their paper on teachers' experience of, and attitudes towards, activities that maximise student results[5], Michelle Meadows and Beth Black cite research that found evidence of cheating in examinations in the Netherlands, the US and Italy. Their paper reports on teacher attitudes to different forms of malpractice by students and staff:

a. Over 40 per cent of teachers surveyed said they had first-hand experience of students sharing coursework or working collaboratively, with 27 per cent knowing students who had gleaned tips on the content of controlled assessments via social media. The teachers' unacceptability rating of these activities was very high.

b. For teacher activities aimed at maximising results, those rated most unacceptable by teachers were: opening examination papers before the specified time; providing wording for coursework; giving students hints during controlled assessments; and giving students writing frames to use in their controlled assessments.

c. For school and college activities, teachers rated as most unacceptable: 'off-rolling' of students so that their results did not count towards the institution's performance; school admission

policies geared towards recruiting brighter pupils; students being steered in their choices at 13 or 14 towards subjects in which they will get good results.

d. Most of the practices described or witnessed by the teachers in the survey related to coursework, controlled assessment or oral tests, many of which have now been removed from GCSE and GCE assessments. However, as the paper's authors point out, this 'raises questions about how best to protect the integrity of non-examined assessment where it is fundamental to the validity of the qualification'. 'Ultimately,' Meadows and Black point out, 'valid assessment is reliant on teacher professionalism.'

CODES OF CONDUCT

12. The *Teachers' Standards* (2012) for England make no specific mention of teacher conduct in relation to examinations. Heads of centre, teachers, examinations officers and invigilators are subject to the rules set down by JCQ and AOs. It is a matter of both ethics and professionalism that employees should observe such rules meticulously.

13. The code of conduct of the Education Workforce Council in Wales (the successor body to the General Teaching Council Wales) includes the stipulation that registrants should 'conduct assessment and examination-related tasks with integrity'.[6] This applies to all registered members of the education workforce and not only to teachers in schools and colleges.

14. Section 2.1.5 of the *Standards for Registration: Mandatory Requirements for Registration with the General Teaching Council for Scotland* contains the stipulation that all registered teachers should 'have extensive knowledge and a secure understanding of the assessment requirements of the major awarding and accrediting bodies'.[7]

15. The code of conduct of the Chartered Institute of Educational Assessors (CIEA) states that, as a member, 'you will ensure that assessment, testing, examining and associated activities such as moderating of marking, are always carried out with integrity, consistency and without bias'.[8]

16. The Education and Training Foundation (ETF), which is the workforce development body for the further education and training sector, sets and promotes professional standards, awarding Qualified Teacher Learning and Skills (QTLS) and Advanced Teacher Status (ATS). It manages the Society for Education and Training (SET), the professional membership body for the sector. The ETF and the SET have a critical role in promoting professionalism in the further education and training sector. The *Professional Standards for Teachers and Trainers in Education and Training* set out expectations of effective practice in further education, but are not statutory, and include nothing specifically on ethical conduct or on the conduct of examinations beyond 'understand your professional role and responsibilities'.[9]

17. The contractual arrangements for teachers and others who design and prepare examination questions and assessments for AOs set out clear expectations of their behaviour in regard to their own teaching of subjects in which they have worked on the examinations.

18. If there were to be an ethical code for the conduct of examinations and assessment, it would have to go beyond the existing headteacher and teacher standards to make specific points about professional behaviour in the context of institution accountability.

19. The need for an ethical approach to examinations and assessment should be emphasised throughout the careers of those who work in schools and colleges and those who conduct work-based assessments, from the first training course through to preparation for senior positions. It is therefore **recommended** that initial teacher training, training for newly qualified teachers, senior management training and management training in workplaces should all include training on the purposes of assessment, conducting examinations and assessments with integrity, and taking an ethical approach to the delivery of qualifications.

DRIVERS OF MALPRACTICE

20. The examinations system in the UK operates because AOs and the regulators are able to rely on the huge contribution made by examiners, heads of centre, other senior staff, teachers, examinations officers and invigilators. These people are subject to a mass of regulations and a range of pressures, not least their devotion to their students, and in almost every case their examinations work is carried out ethically and professionally.

21. AOs seek to build trust across the system, with openness and transparency as declared priorities. Ultimately, the examinations system is based on trust and the assumption that the vast majority of staff will take an ethical approach to their work and act with consummate professionalism and integrity. However, there are factors which mitigate against this in what is sometimes described as a low-trust high-stakes education system. According to many respondents to the Commission's call for evidence, these – and pressure from parents – are drivers of institutional and staff malpractice. Of the respondents to the Commission's call for evidence, 60 per cent cited the pressure on students to do well and obtain jobs or university places, while a majority cited accountability as the main pressure on centres.

22. Drivers of malpractice at an individual or institutional level include an accountability system based on high-stakes testing at ages 11, 16 and 18. The culture built by some school and college leaders, in the face of accountability pressure, may encourage staff to commit malpractice in order to meet institution and individual student targets. Both leaders and staff may well also have individual targets on which their careers depend.

23. Drivers change over time, as do accountability measures. Performance tables and inspections create incentives – sometimes perverse incentives – on school and college leaders and teachers to act in certain ways. In England, the Ofsted inspection framework, introduced in September 2019, places particular focus on the integrity of leaders. This emphasis is on leaders working in the best interests of young people, as opposed to maximising the institution's accountability scores, and inspectors will focus particularly on gaming behaviours, such as off-rolling and entering students for inappropriate qualifications. It is to be hoped that such emphasis will reduce drivers of malpractice.

24. In GQ examinations, the reduction of coursework, controlled assessments, modern foreign language oral examinations and practical examinations in science and technology have decreased the range of staff malpractice in England but, some would argue, at a cost to the quality of education and the validity of examination assessments.

25. In addition to the drivers of malpractice in GQ, there are other drivers of malpractice in VTQ, including:

    a. pressure from candidates' employers to certificate the candidates before they have completed the course assessments

    b. employers paying fees to training providers, who feel under pressure for successful completion of certificated courses

    c. in some cases, fees being paid only when the candidate is successful, so there are financial drivers of malpractice.

26. It is both instructive and worrying to look at the US experience of examination and test malpractice, as outlined by Daniel Koretz in his book *The testing charade: pretending to make schools better* (University of Chicago Press, 2017). Chapter 6 of the book is entitled 'Cheating' and describes malpractice, driven by school principals or even district superintendents under the pressure of a very high-stakes accountability system. In a case in Atlanta, a school principal received a memo from the sub-superintendent that stated: 'Please understand that no excuse can or will be accepted for any results that are less than 70 per cent of school-based target acquisition.' When the head expressed his concern, he was told: 'The way principals keep their jobs in Atlanta is to make targets.' Unsurprisingly, there was widespread malpractice in Atlanta.

27. An ethical and professional culture in the school, college or workplace provides the backbone for staff to be rigorous about every aspect of examination malpractice. In relation to student malpractice, it is the responsibility of all staff to deter and prevent malpractice and to detect and report it whenever it occurs, but their responsibility to students goes much further than this. In an ethical culture, students will have been advised from an early stage – not just in the period leading up to their examinations – about the proper approach to examinations, the need to

avoid malpractice of any sort and the sanctions that follow from proven malpractice.

28. Like staff, students are under pressure to achieve good results. For students in schools, colleges or the workplace, these pressures may come from parents, friends or the knowledge of what they must achieve in order to move to the next stage of their education, obtain a place at university or qualify for a job or profession.

29. All centres – and their staff and students – face pressures of different kinds and people make choices as to whether to behave ethically or unethically. Good centres – schools, colleges, training providers and workplaces – make the right ethical choice in relation to the avoidance and discouragement of malpractice.

30. Key features of an ethical culture in examination centres go much wider than the avoidance of cheating in examinations or other forms of assessment. This is covered well in the final report of the ASCL Ethical Leadership Commission, in which the characteristics of an ethical framework are set out and include integrity, objectivity, openness, honesty, trust, justice and courage. In this climate, staff and students in schools, colleges and workplaces not only do not cheat, but they actively encourage professional practice by others. Where malpractice does take place, the culture encourages the reporting of concerns and the rigorous investigation of complaints.

31. Ethical issues also arise in considering the roles and responsibilities of AOs and their staff. The avoidance of malpractice and conflicts of interest of question-setters and reviewers have been considered by Ofqual, following a well-publicised instance of malpractice in Pre-U examinations in 2016. There was extensive media coverage and the House of Commons Select Committee took an interest and held a one-off hearing.[10] AOs are now required to put in place a range of additional controls to manage the risk of this form of malpractice. The Institute of Chartered Accountants in England and Wales (ICAEW) is an example of an AO that has complete demarcation between those who teach, set questions and mark examinations for trainee chartered accountants.

32. There are also ethical issues arising over centre approval, with AOs having a vested interest in accepting centres which, if not approved, might buy their examinations from a rival AO. This is discussed in section 7 in the context of malpractice in VTQs.

33. The Commission has also studied the ethics of other professions and the ways in which malpractice is dealt with by the professional bodies in these fields. The General Medical Council (GMC) sets out the standards expected of registered doctors and medical students.[11] It also publishes guidance on managing processes for professionalism concerns and fitness to practise in medical schools and universities, which covers misconduct, defined as 'issues that raise a question about a student's honesty, trustworthiness or character'. Cheating in examinations is specifically mentioned as an example.[12] The ICAEW holds qualifying examinations for over 30,000 trainee accountants each year. The level of candidate malpractice is very low, as the repercussions are very serious, with disciplinary procedure followed by dismissal by their employer.

HEADS OF CENTRES: A POTENTIAL CONFLICT OF INTEREST

34. The ASCL Ethical Leadership Commission framework states that school leaders should act solely in the interests of learners; should be open about any perceived conflicts of interest; should be accountable for their decisions and actions; should be open and transparent with information; should act honestly; and should challenge unethical behaviour whenever it occurs. In short, they should act in ways that set an example and create an ethical climate in which all members of the institution work.

35. In carrying out their work as heads of examination centres, school and college leaders should act according to the Nolan principles and should actively encourage their staff to do so too. Where their staff do not do so, leaders should challenge them, work with AOs to investigate malpractice rigorously and deal with the situation both according to national rules and guidelines and according to ethical principles.

36. It is **recommended** that heads of centre should build and maintain an ethical culture in which malpractice by students and staff does not take place. Such a culture of honesty and openness should enable staff and students to report matters of concern.

37. The *National Standards of Excellence for Headteachers* (2015) surprisingly makes no mention of standards in relation to the conduct of examinations. These standards will be reviewed in 2019-20 and the Commission **recommends** that the review group should consider the inclusion of the leadership of the conduct of examinations in a revised version of the standards.

38. School and college leaders are clear about their multiple accountabilities – to the governing board, the government and its agencies, the students and their parents. The role of head of an examination centre, however, is rather different from the role of head of the institution, with a range of additional accountabilities for the running of an efficient examination centre according to a set of detailed rules. In this, the leaders are acting as agents of the AOs – which are in turn accountable to the examination regulators – which set the examinations and expect them to be done by students under a particular set of circumstances. Not observing the AOs' rules is malpractice and is likely also to be unethical and/or unprofessional.

39. There is a potential conflict of interest between these two roles of the head of centre – on the one hand, as principal, being held to account for the examination results of the students, and on the other hand, as head of centre, being responsible for the administration of examinations, directed by AOs and JCQ. This comes into sharper focus when the head of centre is responsible for investigating malpractice.

40. Where there is the potential for conflicts of interest, it is vital for public confidence that checks and balances should be in place. In the context of examination malpractice, this is provided by the regulators' rules, JCQ regulations, AO procedures and the Centre Inspection Service. It is intended that the recommendations in this report will add strength and coherence to this system.

41. Most support currently given by JCQ, AOs and training organisations is targeted at examinations officers (EOs), with an expectation that heads of centre will, by virtue of their seniority and the fact that they sign up to the JCQ General Regulations, also know the regulations.[13] In this declaration, heads of centre sign to confirm seven statements about the conduct of examinations, including ensuring that 'the exams officer receives adequate training and support from the senior leadership team to fulfil their role so that the integrity of examinations is maintained.' Quite how the head of centre is supposed to ensure that training is 'adequate' is not explained. A re-worded version of this statement should include SENCos as well as examination officers, in relation to the responsibilities of SENCos regarding access arrangements and special considerations.

42. It is **recommended** that JCQ should review the wording of the National Centre Number (NCN) Head of Centre Declaration, in consultation with organisations representing heads of centre. In so doing, the review may wish to consider the following:

a. The second paragraph of the Declaration should be the opening paragraph of the Declaration. The text of this is: "The head of centre is the individual who is accountable to the awarding bodies for ensuring that the centre is compliant with the published JCQ regulations and awarding body requirements in order to ensure the security and integrity of the examinations/assessments at all times. (General Regulations 2.3)."

b. The first paragraph, which is more procedural, can come towards the end of the Declaration. The text of this is: "A signed copy of this declaration for the academic year 2018/19 must be held on file, available for inspection, as it will be an integral part of the centre inspection. An electronic version of the head of centre's declaration, with an electronic signature, is permissible. (General Regulations 1.5)."

c. The responsibility of the head of centre to create and maintain an ethical culture in the institution, so that malpractice is considered wholly unacceptable among both staff and students, should be included in the Declaration.

d. The heads of centre should be encouraged on the form to recognise that, if procedures and requirements are not followed, their role as the accountable officer is likely to be under scrutiny.

e. It should also be made clear in the NCN Declaration that, if there is a reported problem, the head of centre will be required to report the incident and investigate it in the first instance, unless s/he is directly involved.

f. The need for the head of centre to keep the governing board informed about the preparation and conduct of examinations and assessments should also be included in the Declaration.

g. The proper and efficient conduct of examinations and assessments is a partnership between AOs and centres. Heads of centre act as agents for AOs and, through them, provide AOs with venues and staffing for the examinations for which the centres are paying.[14] Yet the Declaration is very one-sided. There is perhaps a better balance to be struck between the obligations of heads of centres and those of AOs. This balance could be reflected in the Declaration if it included undertakings by the member organisations of JCQ that they would provide heads of centre with clear up-to-date information and training in order to enable them to fulfil effectively their responsibilities.

43. The Commission **recommends** that AOs and JCQ should improve the support available for heads of centre, reflecting their role, both as a school/college leader in charge of staff, learners and the curriculum, and the separate role of the same people as heads of examination centres and thus agents of the AOs whose examinations the students are doing.

44. The relationship between heads of centre and AOs is seen by some heads of centre as a rather one-sided relationship in which AOs set the agenda, set the timetables and make increasing demands on centres, with JCQ making ever more challenging regulations. Heads of centre try to put in place all these obligations, but it is unlikely that every aspect of the regulations will be known in full detail by a head of centre who has so many other responsibilities and accountabilities. Centres carry the cost of hosting examinations and invigilating them, and administering a great deal of the paperwork. Some heads of centre feel that there is insufficient acknowledgement of the burdens they bear.

45. It is **recommended** that, separately from the NCN Head of Centre Declaration, JCQ should produce a clearer statement of what is expected of heads of centre and what support they can expect from JCQ and AOs. In particular, the role of heads of centre in preventing and, if necessary, investigating malpractice should be set out clearly and in a single place.

46. The Commission considered whether the role of the head of centre could be delegated, thus providing increased space for the head/principal to lead malpractice investigations. The Commission recognised that there are arguments both ways on this issue, but concluded that, in parallel with the roles of accounting officer and head of safeguarding, the role and accountability of head of the examination centre should remain with the most senior person in the institution.

47. The head of centre role is complicated by leadership structures in multi-academy trusts (MATs) with CEOs and/or executive heads, and in multi-campus colleges, but this may provide an incentive for re-thinking the hierarchy of roles in relation to centre leadership and accountability.

48. Accountability cannot be delegated, but responsibility and the commensurate authority can, although heads of centre cannot thereafter disassociate themselves from the delegated matter and need to assure themselves that processes are appropriate. Checks should be made with those to whom responsibility has been delegated before signing the Declaration.

49. One activity where the burden falls particularly heavily on the head of centre and senior leadership team is contingency planning in the event of the EO not being available – sometimes at very short notice – to administer a season of examinations. Contingency planning is inspected by the CIS and it is incumbent on heads of centre, for the smooth running of their institution, to ensure that a viable contingency plan is in place.

50. Heads of centres may sometimes themselves be guilty of malpractice and the system should enable this level of malpractice to be investigated and dealt with rigorously.

51. Bearing in mind the range of their responsibilities, it is unlikely that many heads of centre and senior leadership team members will want to devote one or more full days to training events, although it is commendable when they do recognise the benefits of this training. Heads of centre should give this high priority and, in addition to training events, it is **recommended** that online and video training should be provided by JCQ.

52. It is **recommended** that JCQ communications with centres should prioritise information for heads of centre, as well as for EOs.

GOVERNING BOARDS

53. School governing bodies, the boards of multi-academy trusts, the boards of colleges and employers have a strong interest in ensuring that the institutions for which they are responsible have an ethical and professional approach to examinations. They have a responsibility to hold the leaders to account for the way in which examinations and assessment are conducted and, in particular, for the avoidance of malpractice.

54. It is **recommended** that governing boards should ask the head of centre whether s/he has signed and understood the significance of the NCN Declaration, and what training has been undertaken, and should receive reports from the head of centre about the conduct of the examinations as well as the results.

55. Other questions for board members to consider are:

   . How do you ensure that the arrangements for public examinations/assessments are run in accordance with national requirements?

   . How do you ensure accountability, authority and responsibility for examinations/assessments are clearly defined in your organisation and that these arrangements work effectively in practice?

   . How do you ensure the head of centre has appropriate knowledge and skills in this area?

   . How do you ensure the examinations officer has appropriate knowledge, skills and support in this area?

   . To what extent does the examinations officer have status and authority?

   . How effective is the implementation of your whistleblowing policy in this area?

   . How do you protect the head of centre and examinations officer from influence to act unethically?

   . What objective, external information do you rely on to ensure the arrangements for public examinations/assessments are run in accordance with statutory requirements?

   . How do you assess the risk to your organisation in this area?

56. Members of these bodies also have a responsibility to ensure that investigations into incidents of malpractice are properly conducted and, in the case of alleged malpractice by the head of the institution, need to work closely with the AO in the investigation of the circumstances of the allegations.

57. It is therefore **recommended** that JCQ should publish succinct advice on malpractice for members of school governing bodies, the boards of multi-academy trusts, the boards of colleges and employers.

Recommendations

1. **Initial teacher training, training for newly qualified teachers, senior management training and management training in workplaces should all include training on the purposes of assessment, conducting examinations and assessments with integrity and taking an ethical approach to the delivery of qualifications.**

2. **Heads of Centre should build and maintain an ethical culture in which malpractice by students and staff does not take place. Such a culture of honesty and openness should enable staff and students to report matters of concern.**

3. **The next reviews of headteacher and teacher standards should consider the inclusion of ethical leadership of the conduct of examinations in revised versions of the standards.**

4. **JCQ should review the wording of the National Centre Number Head of Centre Declaration, in consultation with organisations representing heads of centre.**

5. **Separate from the NCN Head of Centre Declaration, a clearer statement is needed of what is expected of heads of centre and what support they can expect from JCQ and AOs. In particular, the role of heads of centre in preventing and, if necessary, investigating malpractice should be set out clearly and in a single place.**

6. **AOs and JCQ should improve the support available for heads of centre.**

7. **JCQ communications with centres should prioritise information for heads of centre, as well as information for EOs.**

8. **In addition to training events, JCQ should provide online and video training for heads of centre.**

9. **Governing boards should ask the head of centre whether s/he has signed and understood the significance of the NCN Declaration and should receive reports from the head of centre about the conduct of the examinations as well as the results. Members of these bodies should work closely with AOs in the investigation of the circumstances of any allegations of malpractice.**

10. **JCQ should publish succinct advice on malpractice for members of school governing bodies, the boards of multi-academy trusts, the boards of colleges and employers.**

References

1   *Navigating the educational moral maze: the final report of the Ethical Leadership Commission, Association of School and College Leaders, January 2019*

2   *See Appendix 5.*

3   *There is a good explanation of off-rolling in Robert Long and Shadi Danechi, Off-rolling in English schools, House of Commons Library, January 2019, https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8444; Off-rolling is further explained in Ofsted's School inspection update, September 2018 special edition, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file /742258/School_inspection_update_-_special_edition_September_2018.pdf; An analysis of pupil-level data by the Education Policy Institute in April 2019 sets out the scale of off-rolling, https://epi.org.uk/publications-and-research/unexplained-pupil-exits/*

4   *See Appendix 3.*

5   *Michelle Meadows and Beth Black, 'Teachers' experience of and attitudes toward activities to maximise qualification results in England', Oxford Review of Education, vol 44 no.5, October 2018. The paper was based on a volunteer sample of 548 teachers.*

6   *Code of Professional Conduct and Practice for Registrants with the Education Workforce Council, EWC, 2015 https://www.ewc.wales/site/index.php/en/fitness-to-practise/code-of-professional-conduct-and-practice-pdf/file.html*

7   *http://www.gtcs.org.uk/web/FILES/the-standards/standards-for-registration-1212.pdf*

8   *Section 4.2.1 of the CIEA Code of Conduct: https://www.herts.ac.uk/ciea/policies/code-of-practice. The CIEA is a voluntary membership organisation for those engaged in assessment in schools, colleges and workplaces.*

9   *https://set.et-foundation.co.uk/professionalism/*

10 *Decisions on our rules and regulations for safeguards for the confidentiality of assessment materials, Ofqual, 2018; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727260/Technical_decisions_document_-_FINAL.pdf; Example of newspaper article:*

    https://www.independent.co.uk/news/education/public-school-cheating-exams-questions-papersofqual- eton-college-winchester-radley-charterhouse-a7922976.html ; Education Select Committee hearing: https://www.parliament.uk/business/committees/committees-a-z/commonsselect/education-committee/news-parliament-2017/integrity-of-public-examinations-launch-17-19/

11 *https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/good-medical-practice; https://www.gmc-uk.org/-/media/documents/Achieving_good_medical_practice_0816.pdf_66086678.pdf*

12 *https://www.gmc-uk.org/education/standards-guidance-and-curricula/guidance/professionalbehaviour-and-fitness-to-practise*

13 *This signing is done each year in the National Centre Number Head of Centre Declaration, which states that the head of centre is the individual who is accountable to the AOs that the centre is compliant with published JCQ regulations and AO requirements. https://www.ocr.org.uk/Images/418753-jcq-ncn-head-of-centre-declaration.pdf*

14 *This is not the case in Scotland, Northern Ireland or the Republic of Ireland where the AO pays much of the cost of these services.*

6

Malpractice in external examinations
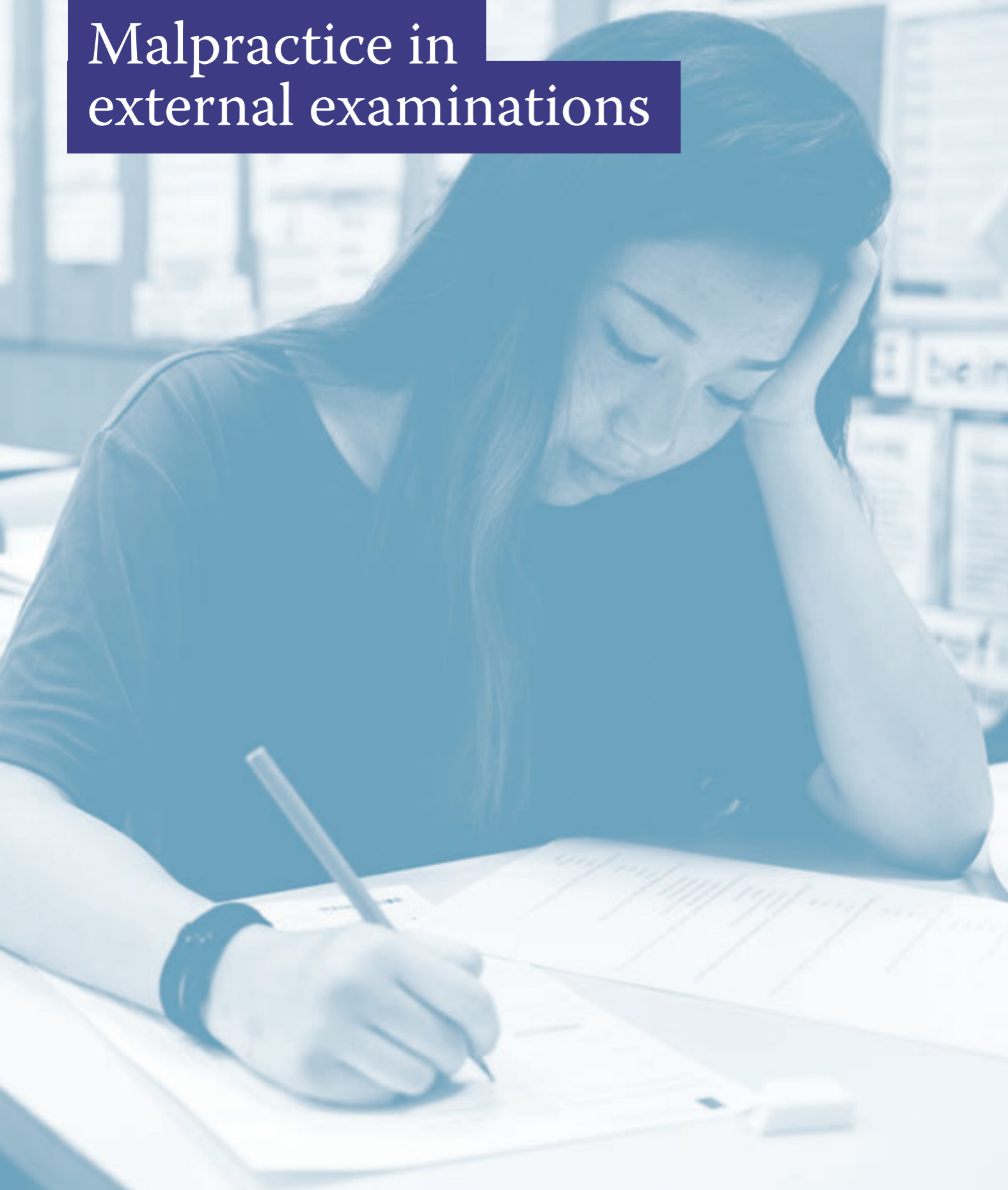
1. In its discussion of malpractice, the Commission has covered forms of malpractice in both external examinations, sat in centres under examination conditions, and malpractice in centre-based assessment, which includes coursework, controlled assessment and work-based assessment.

2. Malpractice in external examinations is discussed in this section of the report. Malpractice in centre-based assessment is discussed in section 7, and the particular issues raised by malpractice using technology and social media are highlighted in section 8.

3. In their research on teacher attitudes to malpractice, quoted in section 5, Meadows and Black found that there was more teacher experience of malpractice in centre-based assessment than in external examinations.[1] 40 per cent of the 548 respondents reported experience of malpractice in controlled assessment, 21 per cent in coursework and 13 per cent in external examinations and orals.

4. Sections 6, 7 and 8 of this report are, of course, closely linked and cover both student and staff malpractice. They illustrate the variety of malpractice issues that arise in different types of centre.

5. Instances of detected malpractice represent a very low proportion of examinations taken. On the rare occasions where cases reach the public domain, they attract negative publicity for the examinations system. Although few in number, these cases become high profile and may well serve to distort public perceptions of the integrity of the test and examination system as a whole.

6. Each of the last three years has seen a leak of a mathematics GCE A-level paper. A file of evidence on the 2017 leak was referred by the police to the Crown Prosecution Service (CPS) in 2019.[2] Pearson Education had to issue replacement questions for a small number of centres after some students were reported to have had access to the content in advance. In 2018, there was a further leak of A-level mathematics questions, with students saying that the paper was on sale for £200 from sellers who revealed the first question, but demanded the money to reveal the rest of the paper. The investigation is continuing and, in 2019, Pearson wrote to centres as a deterrent to anyone considering similar action, stating that it

was piloting a micro-technology tracking device to monitor the integrity of question papers.

7. A serious leak of a Pearson GCE A-level mathematics paper also occurred in 2019. In advance of the paper, two questions were circulated on Twitter, after which Pearson promptly dispatched investigators to 38 centres in the London area. This led to the identification of the centre where the breach of security had occurred. Police were informed and made two arrests. Investigations are continuing.

8. Police were also asked to investigate a leak of one page of the AQA GCSE religious studies paper, which appeared on Snapchat during the 2019 summer examinations.[3] Because of the lack of evidence of wider online discussion about the paper, AQA concluded that the paper was probably not widely shared and investigations are continuing.

9. Also in 2019, a batch of GCSE French and AS sociology question papers went missing. A school in Milton Keynes informed AQA, which spoke to the courier company. Police subsequently arrested a 16-year old on suspicion of theft and handling stolen goods. AQA discovered this two weeks in advance of the examination date and replaced the papers.[4]

10. In 2008, a city banker posed as a student at the University of York and sat economics examinations on his behalf.[5] The impersonation was successful on eight occasions, until it was spotted by a lecturer during the student's finals examination. The negotiated payment of £20,000 from the student to the banker constituted conspiracy to defraud and both men were sentenced to nine months' imprisonment suspended for two years.

11. More recently, there have been allegations that some international students had been cheating in English language tests, leading in some cases to their removal from the UK. In 2014 the BBC's Panorama programme revealed cases of organised fraud during Secure English Language Tests (SELTs) required under immigration rules for students and other visas, but not subject to rules set by the regulator. The Home Office suspended the licences of some test centres and revoked the visas of people accused of cheating. The House of Commons Home Affairs Select Committee carried out an inquiry. A National Audit Office report[6] acknowledged that

'clearly, widespread cheating did take place' through impersonation, but criticised the Home Office's response, which led to the cancellation of the visas of some innocent people.

12. In 2017, there was considerable media coverage of malpractice involving teachers at Eton and Winchester colleges, where 18-year old students taking Pre-U examinations had prior knowledge of examination questions in art history and economics. Cambridge International Examinations (CIE), which is not a member of JCQ, disregarded the students' marks on the papers in which they had seen the questions. These cases resulted in Ofqual drawing up tighter rules on teachers as examination setters and led to a hearing at the House of Commons Education Select Committee.

13. During 2018-19, there were reports of bogus examination papers being offered for sale to students ahead of their scheduled sitting. In practice, these have been shown to be false claims made in attempts to defraud students. Section 8 below includes a recommendation that JCQ should clarify that this is a form of malpractice and subject to sanctions.

14. Other examples of malpractice that have been detected and dealt with can be found in appendix 6 of the JCQ document on policies and procedures relating to malpractice.[7]

15. There are many forms of malpractice, with witnesses to the Commission and respondents to our surveys giving a wide variety of examples they have experienced or heard about.

16. Of the examples of malpractice quoted in section 5, those relating to external examinations sat in the centre include:

    a. Breaches of security of examination papers before the correct start time

    b. Passing information to students about the content of forthcoming examination papers

    c. Examination papers opened early

    d. Speaking to candidates during an examination

    e. Leaving a candidate unsupervised during an examination

    f. Candidates wrongly given extra time for an examination

    g. Invigilators not following the rules, such

as allowing candidates to communicate or use unauthorised material brought into the examination room

    h. Candidates subject to an examination timetable variation not being kept under proper supervision and/or being allowed contact with other students

17. Other activities, which centres may do in order to maximise their performance in national accountability measures, but are not necessarily examination malpractice, include 'off-rolling' students, restricting students' subject choices, and over-preparation for examinations to the exclusion of other teaching.

18. The Commission has consulted widely on the forms and deterrents of malpractice through a public call for evidence, a national survey of examinations officers, a survey of students and discussions with representatives of key bodies and individuals from across the education and training sector. Respondents to the surveys and discussions with witnesses have told the Commission about a wide range of examination-related malpractice including:

    a. Taking notes into an examination

    b. Writing notes on the body or clothing

    c. Visiting the toilet to look at notes, with invigilators unable to see the candidate at this point

    d. Selling or leaking examination papers by centre staff

    e. Invigilators explaining questions to students in the examination room

    f. Invigilators telling students the answer to a question in the examination room

19. Technology-based malpractice examples, to be discussed in section 8 below, include:

    a. Taking a mobile phone or other electronic device into an examination

    b. Accessing the internet during a written examination using a smart watch

    c. Possessing a 'cheating calculator' in the examination room – a calculator with internet connection facility

    d. Possessing in the examination room technological devices designed and sold as cheating aids, such as hidden earpieces

20. Results from the Commission's survey of student views indicated that 72 per cent of students consider that teachers or other staff giving hints and tips during an examination or assessment is malpractice, but 21 per cent thought it was acceptable. The latter is a worryingly high proportion.

21. Impersonation has not been raised as an issue in external examinations, sat in centres where the staff know their students and the students know their contemporaries. However, in some situations, impersonation – particularly in other locations or online – has to be guarded against. Online centres can be very secure. For example, the Pearson test of English and the driving licence theory test can include palm scans and photo ID. Facial recognition can also be used.

22. Ireland takes a different approach from the UK, with examination malpractice being the subject of legislation in section 2 of the Education Act 1998. Under this Act, staff malpractice in Ireland is a crime. This has a deterrent effect, with very few cases coming to light. A different regulation deals with cheating by students.

23. A breach of security in Ireland in 2009, after a superintendent had opened and distributed paper 2 instead of paper 1, led to a re-design of the examination paper packet and a regulation that two people must check the seal on the packet and open it together.

24. Given the low level of reported and proven malpractice in the UK and the high level of proof required for a malpractice conviction that is not fraudulent, the Commission decided that it would not recommend new malpractice legislation.

25. Examination papers taken in different time zones can present a security risk, unless different papers are set. With students all around the world, the International Baccalaureate has a particular problem. One paper is set for Asia, Africa and Europe and one for the Americas. The IBO, which carries out examination security surveillance on the internet, has found some cases of time zone malpractice, with Asia-based students divulging the contents of examination papers to Europe-

based students. There are also issues for the IBO across American time zones.

26. For GCSEs and A-levels, the examinations are the same across the world but, following a change in the regulatory rules some years ago to prevent malpractice, each paper must now be taken at the same time as the paper is taken in the UK. If there needs to be an exception on a case-by-case basis, requests can be submitted for a timetable deviation where candidates can take the paper later, provided they are kept under secure conditions with no access to mobile phones, television or internet. For Cambridge International iGCSE, a number of different papers are produced to be taken in different time zones, with the timings of each tightly controlled to maintain examination security.

27. A trawl of the internet quickly reveals devices available for purchase that are directly targeted at students wanting to cheat in examinations.[8] These are increasingly technology-based, but more traditional forms of cheating are still evident among the items, such as a pen with paper tightly rolled inside it on which the student can write aide-memoires.

28. Articles in the *Daily Telegraph* and *Daily Mail* in 2016 described ways to cheat in examinations – mostly non-technology based and mainly examples from abroad.[9]

29. Whether or not these devices were designed specifically for malpractice is less of an issue than the human motivation that puts them to this use. Student responsibility should be emphasised by centre staff at all times.

30. With the availability of new cheating devices each year, the challenge of combatting malpractice changes from year to year. It would be useful for centres to be kept up to date with an annual JCQ report on malpractice, in the manner of AO subject reports on each year's examinations. In order to help centres to be alert to the latest types of malpractice, it is therefore **recommended** that the JCQ works with AOs to produce an annual report describing the year's malpractice, complementing the malpractice data report published by the regulator.

31. Recommendations in section 5 of this report relate to a higher profile in teacher and management training on conducting examinations and assessments with integrity and an ethical approach.

We also recommended that heads of centre should build and maintain an ethical culture in which malpractice does not take place.

32. Such a culture seeks to reduce malpractice among both students and staff. It also encourages whistleblowing and the reporting of matters of concern. Heads of centre must take the lead, but everyone else in the institution – whether school, college or workplace – including those taking the examinations, must actively support the ethical culture and act responsibly.

33. Expertise in assessment and examinations is important too. Preventing and reducing malpractice in centres would be assisted if there were an assessment expert in every centre, who works to ensure the quality and integrity of assessments and examinations in their institution. Chartered Assessor status, accredited by the Chartered Institute of Educational Assessors (CIEA), provides a route through which teachers and centre leaders, as well as assessment professionals, can be trained and accredited. Through its code of practice, the CIEA provides a benchmark of integrity in examinations and assessment work, which would help to improve quality assurance in assessment practice across the institution, provide support for the head of centre and a check against institutional malpractice. The Commission therefore **recommends** that every examination centre should consider training a senior member of staff as a Chartered Assessor.

34. Notices are provided to centres regarding mobile phones, but no overarching strategy exists to communicate to staff and students the rules on malpractice and the possible consequences of cheating. JCQ and AOs should be more vigorous and coherent in this approach, with heads of centre fulfilling their responsibility to put anti-malpractice measures into action, and all staff and students being clear about the importance of integrity in examinations, and the irresponsibility and possible consequences of malpractice.

35. Only when JCQ, AOs, heads of centre, examination officers, invigilators, centre staff and students act together in this way can a system of checks and balances operate effectively against malpractice.

36. JCQ has several committees that could take the lead on this, including the exam services committee and the teacher association group. These groups should address the recommendations in this report and develop a coherent and comprehensive strategy to minimise malpractice.

37. It is **recommended** that JCQ should consult stakeholders on the potential benefit of centres requiring students to sign a form stating that they have read the regulations concerning the conduct of examinations, and that they have understood the regulations and the consequences of committing malpractice.

38. It is **recommended** that JCQ and AOs should continue to work closely with stakeholders – especially the teacher, college and school leader associations and the examinations officers' organisations – in developing and communicating the most effective means of recognising and preventing student and staff malpractice.

Recommendations

1. **JCQ should work with AOs to produce an annual report describing each year's malpractice.**

2. **JCQ and AOs should continue to work closely with stakeholders – especially the teacher, college and school leader associations and the examinations officers' organisations – in developing and communicating the most effective means of preventing student and staff malpractice.**

3. **Every examination centre should consider training a senior member of staff as a Chartered Assessor.**

4. **JCQ should consult stakeholders on the potential benefit of centres requiring students to sign a form stating that they have read the regulations concerning the conduct of examinations, and that they have understood the regulations and the consequences of committing malpractice.**

5. **Heads of centre should take the lead in their institutions on preventing malpractice, but everyone else in the institution – whether school, college or workplace – must actively support the ethical culture and act responsibly.**

References

1   Michelle Meadows and Beth Black, 'Teachers' experience of and attitudes toward activities to maximise qualification results in England', Oxford Review of Education, vol 44 no.5, October 2018. It should be noted that the reduction in controlled assessment and coursework, especially in England, since the research was carried out is likely to have influenced these figures.

2   https://uk.news.yahoo.com/criminal-charges-possible-over-leaks-174329338.html?guccounter=1

3   https://www.theguardian.com/education/2019/jun/23/police-investigate-leak-of-gcse-religiousstudies- exam-paper
     https://www.tes.com/news/religious-studies-gcse-leak-not-our-fault-says-aqa

4   https://secureweb.cisco.com/1PNPbMxpmO9tbjh9NEAb85Nr3W1szdEByUBV8CYLCV5MLulqpu0Dtomj8tkeYMB3LWavQCLWLbB2tLMfaKmBNlVXh6Jfct
     XeDJKlHRqx_ nzRE3tUMAaZawXW_ C5OhlkwXXwCx8ZjvXoEU7DH7H1FYzwTSQujUqO9nljMExK47eImJAk7Dj0L6JIbrXUpwpI56LaXmPhykyFld
     xS8peGAnhUuL5smfii0l5IWf8Xc9n8DrDXSpDNqrl9VgAqA1E8XbA5pIJqQM8S0RIIXBwAcZQ/https%3A%2F%2Fschoolsweek.co.uk%2Faqa-to-replace-
     exam-papers-after-batch-goes-missing-in-the-post%2F

5   https://www.yorkshirepost.co.uk/news/latest-news/millionaire-banker-in-exam-scam-avoids-jail-1-2492459

6   https://www.nao.org.uk/report/investigation-into-the-response-to-cheating-in-english-languagetests/

7   https://www.jcq.org.uk/exams-office/malpractice/suspected-malpractice-in-examinations-andassessments-2018-19

8   https://www.amazon.com/s/ref=nb_sb_ss_i_1_13?url=search-alias%3Daps&fieldkeywords=exam+cheating+tools&sprefix=exam+cheating%2Caps%2C246
     &crid=NKDDGW0S2RIZ ;https://www.amazon.co.uk/s/ref=nb_sb_ss_i_2_13?url=search-alias%3Daps&fieldkeywords=exam+cheating&sprefix=clothes+dr
     ier%2Caps%2C738&crid=10ZZR2C1OW481

9   https://www.telegraph.co.uk/news/2016/05/11/10-crazy-and-inventive-ways-students-havecheated-in-exams/. https://www.dailymail.co.uk/femail/
     article-3582576/Sophisticated-waysmodern-students-CHEAT-exams-including-using-ultra-violet-pens-flesh-coloured-earphones-Mission-Impossible-style-
     glasses.html

7

Malpractice in centre-based assessment[1]

1. There are several different forms of centre-based malpractice, with witnesses to the Commission and respondents to our surveys giving a wide variety of examples they have experienced or heard about.

2. Centre-based assessment is an important part of the system and is the key mode of assessment for many qualifications. Although external examinations provide better control of malpractice, centre-based assessment can provide greater breadth in the knowledge and skills being assessed and thus greater validity in the grade judgement in many general qualifications and awards in vocational and technical areas. Indeed, for many VTQs it is impossible to judge the standard of a candidate without centre-based assessment. Nonetheless, many respondents to the Commission's call for evidence suggested that less use of centre-based assessment would reduce the risk of malpractice.

3. Of the examples of malpractice quoted in section 5, those relating to centre-based assessment include:

   a. Tampering with candidates' coursework before despatch to the awarding body

   b. Fabricating coursework

   c. Giving improper assistance to candidates during an assessment

   d. Losing – or claiming to have lost – candidates' coursework

   e. Passing information to students about the content of forthcoming assessments

   f. Plagiarism in coursework

   g. Impersonation of a candidate, with the centre not identifying candidates

4. Witnesses have told the Commission about the following examples of malpractice in centre-based assessment, which represent a very small proportion of the total number of assessments:

   a. Teachers replacing assessed practical work with an alternative submission

   b. Teachers over-aiding candidates or doing the work for candidates in non-examination components

   c. Centre staff opening and selling examination papers ahead of the test dates

   d. Financial fraud by centres through forgery of certificates or early claims for certification

5. Technology-based malpractice examples, discussed in section 8 below, include:

   a. Taking a mobile phone or other electronic device into an assessment when this is not permitted

   b. Accessing the internet during an assessment when this is not permitted

   c. Essay mills producing work commissioned by candidates that is then submitted as the candidates' own work

6. Examples of centre-based malpractice in the JCQ document on policies and procedures relating to malpractice[2] include the following:

   a. A teacher passing to a teacher in another school the content of a practical test in A-level biology not yet taken by the second teacher's students

   b. A teacher indicating errors on a controlled assessment in GCSE science, on which students were then given the opportunity to make changes to their work

   c. A teacher allowing students to copy material from exemplar controlled assessment into their own work

   d. A teacher whispering answers to students doing an oral exam in Spanish.

   e. A teacher fabricating candidate observations in a level 3 road passenger vehicle driving test

   f. A centre claiming certificates for students who had not yet completed all the units for the qualification in the level 2 diploma in health and social care

   g. Assessment observations produced by non-occupationally competent staff, of which the management of the centre was aware

   h. A candidate in NVQ hairdressing stealing the work of another candidate and submitting it as her own.

7. In the Commission's survey of students, respondents tended to be more lenient in their views on malpractice in coursework than in traditional examinations. 38 per cent considered it acceptable, or that they should receive no punishment, if they looked at someone else's

coursework for ideas before it was submitted; 42 per cent stated that allowing someone else to look at their coursework before submission was acceptable. In other respects, the majority of students understood that the submission of anything other than their own coursework was malpractice.

8. The point at which collaboration on coursework becomes malpractice was not understood by a significant proportion of student respondents, with half stating that working together with other students on individual coursework was acceptable.

9. Each year, several examples are seen in the media of staff malpractice in centre-based assessment, which help to demonstrate to the public the way in which malpractice is detected and dealt with.

10. In 2019, a music teacher from Richmond in North Yorkshire was banned from teaching for falsifying some of her students' practical assessment.[3] The Teacher Regulation Agency (TRA) stated that the teacher's actions were a breach of ethical standards, dishonest and lacking in integrity. This was judged to be unacceptable conduct which could bring the teaching profession into disrepute.

11. Also in 2019, a home economics teacher in Argyll and Bute was reprimanded and made subject to a two-year conditional registration order by the General Teaching Council in Scotland (GTCS) for re-writing assignments for her students, as well as sending another student's work to two pupils and telling them to copy parts of it for their National 5 assessments in health and food technology.[4] The GTCS judged that she had brought the profession into disrepute, but considered that it was very unlikely that the teacher would repeat this misconduct.

12. Three senior teachers at Raven's Wood School in Bromley were banned from the profession in 2019 for falsifying the results of over 100 students in an ICT BTEC level 2 examination, having pressurised teaching staff to inflate the students' marks.[5]

13. The arrangements for the assessment of GCSE computer science in England were changed by Ofqual in 2018.[6] During 2017, incidents of malpractice rose sharply, with controlled assessment tasks, which should only have been seen under controlled conditions, appearing online, accompanied by advice and solutions. This threatened the integrity of the qualification

and Ofqual, after carrying out a consultation and receiving over 2,500 responses, decided to base student grades on performance in written examinations alone.

14. In 2014, Ofqual conducted research on essay-writing companies and found many examples of poor-quality A-level work being sold to students for their coursework submission.[7] Contract cheating services, which write essays and complete coursework assessments on behalf of students, have also been targeting students at university level. Research released in 2017 suggests that 15.7 per cent of current university students have paid someone else to complete their work for them at least once, although this is based on international figures is and is not unique to the UK.[8] There is little data on the number of detected cases of contract cheating in UK higher education. The UK's Quality Assurance Agency for Higher Education (QAA) released a report in 2016 that identified that there are 17,000 cases of academic misconduct per year in the UK, but could not say how many of these cases represent contract cheating.[9] The then secretary of state, Damian Hinds, called on Paypal to withdraw payment services from such companies and it agreed to do so.[10] There are no data on the number of offences of this nature committed in general or vocational qualifications, although the reduction in coursework in England is likely to have decreased the number of incidents of essays being written for students by commercial organisations.

15. Media interest in qualifications, examinations and malpractice tends to focus more on general qualifications (GQs) than on vocational and technical qualifications (VTQs), but the need for an ethical culture is as great in the workplace and training organisations as in schools and colleges. Heads of centre should be as alert to the possibility of malpractice in centre-based assessment as in the conduct of external examinations. Students and staff at all levels should be actively encouraged to adopt an ethical approach to assessment and to act as whistle blowers when they see something that should not be happening. In particular, student responsibility should be emphasised at all times.

16. Coursework and controlled assessments have been included in externally graded assessments because it is considered that they make the assessments more valid. There is a balance to be struck between

validity and reliability and the Commission has tried to support a high level of both validity and reliability in its recommendations. However, recent changes to the structure of GQs have either minimised or removed coursework and controlled assessment components in an attempt to reduce abuses of the system, a move that has debatably increased reliability at the expense of validity.

17. Centre-based assessment was a major part of GCSEs and GCE A-levels for 30 years from the late 1980s. When GCSEs were introduced in 1986, the mode of assessment varied between subjects. Almost all GCSEs included some coursework, with moderation processes checking that teachers' application of mark schemes was rigorous and of the correct standard. A-levels followed suit shortly afterwards. For both GCSEs and A-levels, coursework was being used to increase validity of the examination by testing aspects that are difficult to assess through written examinations. Very soon the then prime minister, John Major, expressed

the view that there was too much coursework and teacher assessment, suggesting that no more than 20 per cent of the mark in a subject should come from coursework. As concerns grew about marking reliability, authenticity of candidates' work, parental and teacher involvement, and the impact of coursework on teaching time, coursework started to be replaced by 'controlled assessment' from 2009. This proved hard for teachers to manage in school and college time. Although AOs issued guidance, there were concerns that this was open to different interpretations by different teachers. The row over English GCSEs in 2012 and the subsequent investigation and High Court hearing accelerated the decline in the use of centre-based assessment in GCSEs and A-levels, with very little now in place in England.

18. For coursework in Scotland, SQA has had a verification procedure. This system has now changed and all coursework is marked by the SQA, not by the centre.

19. Where centre-based assessment takes place, a fair system is dependent on high-quality moderation and verification. AOs are expected to support and closely monitor the work of moderators and verifiers in order to ensure that centre-based assessment is accurate and to the prescribed standard.

20. JCQ regulations are more detailed in relation to external examinations than they are for centre-based assessment, where the degree of trust in staff and students is higher. The Commission considers that JCQ could do more to prevent malpractice in centre-based assessment and **recommends** that it consult with AOs and the representatives of heads of centre on this.

21. In parallel with the recommendations in the previous section, the Commission **recommends** that the JCQ and AOs should include malpractice in centre-based assessment in an annual report on malpractice.

22. Furthermore, the Commission **recommends** that JCQ and AOs should review the communication strategy to centres on preventing malpractice, with a view to improving its effectiveness.

23. Heads of centre should continually strive to create a culture of integrity and professionalism in their institutions in which malpractice by staff and students does not take place.

MODERATION AND VERIFICATION

24. At the time of writing, Ofqual has closed its consultation on awarding organisations' controls for centre-assessment judgements. For many qualifications (in particular for many VTQs) checks often take place periodically, and not necessarily before results. While this may be the only way in which some on-demand qualifications can be delivered, it puts an onus on centres to deliver reliable assessment, consistent with the national standard. Moreover, the proposed changes may improve the prevention and detection of malpractice.

25. The proposed changes will distinguish between **moderation**, which must take place and allow for adjustments to centre-assessment judgements before results are issued, and **verification**, which will allow for periodic monitoring and which

may take place before or after results are issued. Given that moderation provides a higher level of AO control than verification, the proposal is that moderation should be the starting point for all assessments, and for some qualifications (such as GCSEs and A levels) it will be the only allowed approach. In other qualifications where, for reasons of validity or manageability, it is not possible to use moderation, verification will be allowed.

26. It is proposed that there will be minimum requirements that verification must meet, including:

    a. a robust centre-approval process, which will decrease the likelihood of malpractice by providing stronger checks before centres are allowed to make assessment judgements

    b. minimum frequency of visits, including unannounced, which is likely to lead to more visits, with less time between them

    c. visits to include reviews of learner work, which will focus not only on policies and procedures, but also on the assessment evidence

    d. a representative sampling approach, which will help ensure that AOs review a broad cross-section of work at the centre

    e. controls for the retention of learner evidence, which will help AOs to return and check on previous assessments, if evidence of malpractice is identified

    f. notification to other AOs of identified issues, which will help reduce the likelihood of a centre where malpractice is identified simply moving to a different AO

    g. provision of clear policies and procedures, training, guidance and support for centres.

27. Ofqual is also consulting on the requirement that AOs enhance their verification approach in certain circumstances, such as malpractice or when centres issue incorrect results.

28. The proposals should help to prevent malpractice from occurring, with the stronger controls acting as a deterrent. Where malpractice does occur, the proposals are likely to increase the likelihood of it being identified, and ensure that it is identified sooner.

VOCATIONAL AND TECHNICAL QUALIFICATIONS

29. Vocational and technical qualifications (VTQs) include a broader range of qualifications than general qualifications, covering the world of work and leisure. There are at least 20,000 VTQs currently in regulation, with the majority of the assessment being centre-based in colleges, training centres or workplaces.

30. The extent of malpractice in VTQs is uncertain, as data are not collected by the regulators in the same way as for GQs.

31. Because VTQs attract funding, a small number of malpractice cases can involve fraud. This situation can be exacerbated when training and assessment are sub-contracted. Examples that people have experienced or heard of, cited in responses to the Commission's call for evidence, involve: centres creating candidates that do not exist; forgery of certificates or early claims for certification; or repeatedly using the details of candidates who have entered with them in the past, without the candidate's knowledge, for other qualifications or repeat attempts at the same qualification.

32. Where the training provider and assessor are more remote from the AO, routine audit takes place in order to satisfy the demands of the Education and Skills Funding Agency (ESFA). The Commission **recommends** that, where there is sub-contracting, AOs should review the extent of this monitoring and audit in order to ensure that sufficient checks and balances are in place to prevent malpractice.

33. For many VTQ courses, employers are paying fees to training providers, so there is pressure on the provider for successful completion by trainees. This pressure also exists where training leads to a qualification that is a licence to practise.

34. There are, therefore, financial pressures on training providers to award a pass to trainees, with payment sometimes being made only where there is successful completion. This issue can be compounded where completion rates are used as key performance indicators for training providers.

35. This is an issue that gives the ESFA considerable concern. The ESFA carries out its own investigations in this area and AOs work with the ESFA on these cases when they arise. These are small in number, but stand out in their degree of seriousness.

VTQ ASSESSMENTS AND EXAMINATIONS

36. The way VTQs are examined and assessed varies widely. For some technical qualifications, the way they are assessed and examined follows, to a certain extent, the GQ model, with written end-point examinations as part of the overall assessment. This includes qualifications such as BTECs (Pearson), City & Guilds technical qualifications and Cambridge Technicals (OCR). It follows that the way malpractice is considered for the examined part of these qualifications will have similarities with malpractice in GQs.

37. However, teacher assessments in these qualifications tend to be outcome-based; that is to say, there is a list of desired outcomes the student has to meet and, once they have met them, the box is ticked and they move on to the next outcome. Verifiers look at the assessment processes used by the provider, but do not normally moderate a sample of student work.

38. Other vocational qualifications are assessed in different ways, often by assessing the performance of a particular task. This will normally occur in the college or workplace.

39. How far malpractice can be prevented will depend not only on the individual assessors, but also on verifiers and external quality assurers. Verifiers and external assessors have a code of practice but, according to one witness, are generally under pressure of time during visits to centres. They usually see a sample of work and they – not the provider – ought to decide which students' work is in the sample. It is a system based even more on trust than the GQ system, but the checks and balances to prevent malpractice need to be strengthened.

HOW AWARDING ORGANISATIONS ASSURE THEMSELVES AND THE REGULATOR THAT CENTRES HAVE CONTROL OVER CENTRE-BASED ASSESSMENTS

40. To offer JCQ-member qualifications, a centre must become approved. The approval processes are different, depending on whether a centre intends to offer GQs or VTQs. All centres must abide by the AO's terms of business.

41. Approval needs to be obtained for each vocational qualification. Depending on the qualification, centres need to follow the appropriate documentation listed below:

    a. AO criteria for verified qualifications

    b. AO instructions for conducting examinations

    c. JCQ *Instructions for conducting examinations* (ICE)

    d. JCQ *Guidance on access arrangements and reasonable adjustments*

    e. JCQ *Suspected malpractice in examinations and assessments – Policies and Procedures*

    AOs also have their own individual centre approval guidance notes.

FOR HOW LONG DOES CENTRE APPROVAL LAST?

42. Once a centre's application is approved, it receives a confirmation letter. The centre may then enter candidates for the qualifications it is approved to offer.

43. Approval is subject to continued centre activity; typically, if there are no entries or certification claims for a qualification for three consecutive years, centre approval automatically lapses for that qualification.

44. In addition, a centre's full vocational centre approval lapses if it has not made any entries or certification claims for any vocational qualification for three years. Other than that, centre approval is not time-limited. The Commission considers that the lack of a time limit exposes the system to potential malpractice and believes that JCQ and the AOs should consider whether to impose a limit of, say, five years before centre re-approval is required.

INDIVIDUAL AO CENTRE INSPECTION APPROACHES TO PREVENTION, DETECTION AND ACTION

45. Centres delivering vocational qualifications are subject to routine external verification visits, undertaken by a subject expert. These experts sample learner portfolios and determine whether a centre can claim certification for its registered learners.[11]

46. At City & Guilds, for example, the outcome of the external quality assurance visit by a subject expert will affect a centre's status with City & Guilds. If a centre is deemed low-risk, they have *direct claim status*[12] and are able to claim certification for learners. Those on medium-risk can register learners, but not issue certificates until authorised by the external quality assurer. High-risk centres are unable to register or certificate learners until they meet the actions set and their status is reviewed. This is key to prevention of malpractice and other AOs use a similar certification model. OCR and CCEA have inspection services, which are additional to the verification process, for all centres not covered by the JCQ centre inspection service (CIS).

47. Emphasis has been placed on verifiers giving approval for centres to offer certification in areas in which the verifier has expertise. Thereafter, there is a high degree of trust in the marking of the teacher or course leader, on which individual certification success is based.

48. The Commission believes that there should be a stronger role for moderators and verifiers to choose samples of students' work and approve the standards of assessment in each subject provided by the centre. This would minimise the opportunity for centres to indulge in malpractice which, given the strength of the drivers discussed earlier in this section and in section 5 of this report, they may be tempted to do in the absence of a sufficiently ethical climate. It would also provide AOs with the vehicle for closer scrutiny of the marking and certification process in each centre. The Commission **recommends** that JCQ and its member AOs should consider strengthening the moderation and verification process for VTQs, as it should for GQs.

49. The **malpractice investigation process** is the same across both general and vocational qualifications, as are the sanctions involved. These are discussed in sections 12 and 13.

Recommendations

1. **Regulators, AOs and JCQ should consider how they can publish more extensive data on malpractice in VTQs.**

2. **In parallel with the recommendation in the previous section, JCQ and AOs should include malpractice in centre-based assessment in an annual report on malpractice.**

3. **JCQ should consult with AOs and the representatives of heads of centre on more ways to prevent malpractice in centre-based assessment.**

4. **JCQ and AOs should review the communication strategy to centres on preventing malpractice, with a view to improving its effectiveness.**

5. **Heads of centre should strive to create a culture in their institutions in which integrity in assessment is promoted and malpractice by staff and students in centre-based assessment does not take place.**

6. **Where there is sub-contracting, AOs should review the extent of monitoring and audit in order to ensure that sufficient checks and balances are in place to prevent malpractice.**

7. **JCQ and the AOs should consider whether to impose a limit of, say, five years before centre re-approval is required.**

8. **JCQ and its member AOs should consider strengthening the moderation process for both GQs and VTQs.**

References

1   Centre-based assessment – sometimes called non-examined assessment – includes controlled assessment, coursework and workplace assessment.

2   https://www.jcq.org.uk/exams-office/malpractice/suspected-malpractice-in-examinations-andassessments-2018-19

3   https://www.darlingtonandstocktontimes.co.uk/news/17575460.richmond-school-music-teacherbanned-from-the-profession-over-gcse-submissions/

4   https://www.scotsman.com/education/teacher-who-helped-students-cheat-in-examsreprimanded-1-4906337

5   https://www.kentlive.news/news/kent-news/three-teachers-ravens-wood-school-2690793

6   https://www.gov.uk/government/consultations/future-assessment-arrangements-for-gcsecomputer-science

7   https://www.telegraph.co.uk/education/11130466/Ofqual-cheating-pupils-buying-poor-quality-Alevel-essays-online.html

8   https://www.frontiersin.org/articles/10.3389/feduc.2018.00067/full

9   https://www.qaa.ac.uk/docs/qaa/quality-code/plagiarism-in-higher-education-2016.pdf

10 https://www.bbc.co.uk/news/education-47800531; https://www.theguardian.com/education/2019/apr/08/us-essay-mill-firm-targets-studentswhatsapp

11 Verification focuses on the process of the assessment. It is different from moderation, which focuses on the application of the agreed standard of performance.

12 Direct claim status (DCS) is granted to a centre by an AO when it has delivered a verified qualification for approximately 12 months and in that time has consistently met all the required criteria. For qualifications in which it has been granted DCS, a centre can claim their candidates' achievements between external verifier visits. For OCR example, see: https://www.ocr.org.uk/administration/stage-3-assessment/vocational-qualifications/verifiedqualifications/direct-claim-status/

8

Technology and social media

1. One of the motivations for the establishment of the Commission was a concern that increasingly sophisticated technology presents problems for AOs and centres that are difficult to resolve. Indeed, as the level of sophistication increases and the availability of technological devices grows, the difficulty of detection may well also increase, while centres must still remain alert for more traditional ways of cheating.

2. The responses to the Commission's call for evidence suggest that people directly involved in examinations share this concern, perceiving that technology and social media both increase the risk of malpractice and the speed with which information unethically obtained can be spread.

3. It may, of course, be the case that the advance of technology can also be of assistance in the prevention and detection of malpractice.

4. This section of the report therefore looks at both the uses and abuses of technology in the examinations and qualifications system.

MALPRACTICE USING TECHNOLOGY AND SOCIAL MEDIA

5. It is impossible to draw up a comprehensive list of technological devices, but items that could be used by students for malpractice include the following:

   a. Mobile phones

   b. Smart watches – both dedicated smart watches and those that can be changed easily from showing the time to smart usage, and back

   c. Smart watches with phones or cameras built in

   d. In-ear technology, including items not visible externally

   e. Accompanying technology, such as hidden cameras, including miniature cameras hidden in a lapel badge or cameras concealed on the bridge of glasses, including Google glasses

   f. "Magic calculators", on which data can be stored

   g. Calculator shells, containing a mobile phone inside

   h. False fingernails concealing a microphone

   i. Social media, used to circulate information obtained through malpractice

   This list includes both items intended for cheating and those which are not so intended.

6. With the exception of mobile phones, the possession of which in an examination room is malpractice, there is little evidence that the other technology devices are used widely for cheating in the UK.

MOBILE PHONES

7. Currently, the possession of a mobile phone in an examination room is regarded as malpractice and sanctions are applied. It has been suggested to the Commission that the use, rather than possession, of mobile phones should be an offence, thus removing from guilt those who have their mobile switched off and in their pocket.

8. This would, however, place a greater burden on invigilators and the Commission considered that the difficulty of proving or disproving whether a candidate had used their mobile phone is too great.

9. Being able to retain mobiles in the examination room would put well-intentioned students at risk of forgetting to turn off their phone and being penalised because someone sent them a message during the examination. Students are better protected against this happening if there is a total ban on phones in the examination hall.

10. According to witnesses to the Commission's call for evidence, some schools have particularly good systems for mobile phone collection. Best practice on this could be shared, to ensure more centres use a system where candidates feel comfortable surrendering their mobile phones before an examination.

11. There is also evidence (as featured in the BBC2 series *The Twinstitute*) that the mere presence of one's mobile phone can impair a candidate's ability to take an assessment, and this evidence should be considered.[1]

12. In a survey of EOs, The Exams Office found that the vast majority of those who have dealt with malpractice have done so in relation to mobile phones (871 out of the 1,058 who selected 'Yes, by students' and/or 'Yes, by staff and students'. Some selected both).

13. In the same survey, 1,153 described mobile phones as a 'driver' of malpractice.

14. In the research report on student views commissioned by the Commission, 99 per cent of students identified that taking a mobile phone into an examination to use it with the intention to cheat was malpractice; and 91 per cent correctly identified that taking a phone into the examination, even with no intention to use it, was also malpractice. Students' expectations of what sanctions they could expect to face if they were discovered to have a mobile phone with them were on average, however, more lenient than JCQ guidance.

15. On balance, therefore, the Commission **recommends** that possessing a mobile phone in the examination room should continue to be banned.

16. Best practice in centres in relation to the ban on mobile phones in examination rooms includes: early training and reinforcement; regular communication with students and their parents/carers; reassuringly secure places where phones have to be placed during an examination; reminders as students enter the examination room; and a final announcement before the examination begins.

WATCHES

17. JCQ regulations on watches state that: 'The invigilator, prior to the examination starting, must ensure that candidates have removed their wrist watches, placing them on their desks.' This is followed by advice, which states: 'A head of centre, may, if he/she so wishes, prohibit candidates bringing a wrist watch into the examination room.' Many heads of centre already do this.

18. The Commission **recommends** that the ban on smart watches and other internet-connectable devices should also be continued and that the communication of this ban should be as thorough as that for mobile phones.

19. There has been a proliferation in smart watches and a boost in their capabilities, so that it is difficult for invigilators to distinguish between smart and non-smart watches. Inexpensive self-described 'cheating watches' are available online. Currently, regulations require that invigilators ensure that candidates remove their wrist watches and place them on their desk. However, pre-programmable watches and those with Bluetooth and other connectivity capabilities might still aid a candidate in committing malpractice even when candidates are not wearing them.

20. In The Exams Office survey, 7 per cent of EOs mentioned more checks and restrictions on mobile phones and smart watches as a technology-related measure that could be taken to prevent malpractice.

21. The Commission, therefore, **recommends** that **all** watches be banned from the examination room, with the exception of non-smart watches where there is an access arrangement for eligible candidates who need their watch.

22. In the light of this recommendation, it is important to re-emphasise in guidance for centres that clocks must be visible for all candidates. Spare batteries for battery-powered clocks should be available for instances of clock failure (including analogue clocks slowing down). The use of projectors for clocks is inadvisable, as there have been cases reported of the expensive projector bulbs failing mid-examination. Consideration should be given to the fact that young people are increasingly more comfortable with telling the time on digital rather than analogue clocks.[2]

OTHER TECHNOLOGY MALPRACTICE ISSUES

23. Each generation of technological devices tends to be smaller than the previous generation and this miniaturisation trend increases the difficulty of detection.

24. For candidate malpractice, it is possible but difficult to communicate with someone outside the examination room without speaking. It is easier for someone outside the room to communicate with a candidate wearing an earpiece or having a receiving device.

25. The 'dark web' could potentially be used for malpractice, with question papers being sold to candidates in advance of the examination. The dark web, which is more usually associated with serious criminality, is a digital marketplace, with payments made in crypto-currency such as bitcoin. It refers to the part of the worldwide web that allows users to remain anonymous and which is only accessible with special software. The dark web is, by nature, unregulated and it is therefore difficult to combat this form of malpractice.

26. For malpractice on the mainstream internet, AOs sometimes use commercially available 'social media listening tools' to detect malpractice on social media.

27. Other communication platforms also present a risk to examination security. WhatsApp is an example of an encrypted communication app that has been used for disclosing examination questions in advance. Snapchat and Instagram are other social media channels that might be used in a similar way.

28. The Commission also considered how the system can be better future-proofed against technology-based malpractice that will develop and it is hoped that our recommendations will help JCQ and AOs to combat technology-based malpractice.

29. There has been an increase in the number of students *pretending* to leak live examination papers on social media. The Commission **recommends** it should be clarified that this hoax, too, is a form of malpractice, as it damages the reputation of the examination system, wastes AO resources and is distressing to other candidates.

30. Cyber-attacks can undermine the integrity of an examination system in a centre. In 2019, hackers used ransomware to encrypt files at a centre by emailing a member of staff who innocently opened an email on the centre's system. The system was infected and the coursework of examination students was lost.[3]

31. In the research report on student views commissioned by the Commission, most students were able to identify that using social media to find out examination questions beforehand and sharing leaked examination questions on social media beforehand were both examples of malpractice (74 per cent and 85 per cent respectively). Interestingly, however, 41 per cent incorrectly thought that sharing questions on social media *after* completing an examination was malpractice.[4]

32. The Commission **recommends** that, from the September when candidates begin studying for their GCSEs or A-levels, centres should highlight to them the social media notice asking them to report any malpractice they see or suspect to senior staff of the centre.

33. Staff and candidates should be aware of the need to avoid commenting on content during internal assessment – and during examinations themselves where some candidates may be subject to timetable variations. Where candidates are subject to overnight supervision, it would be desirable to restrict paper release to teachers by 24 hours. Centres should continue to prevent their staff from unfairly advantaging their own candidates due to a timetable variation.

34. The Commission **recommends** that toilet sweeps should be utilised during the examination season to prevent instances of candidates secreting notes, devices and other materials in toilet cubicles, where they cannot be supervised.

MALPRACTICE IN AWARDING ORGANISATIONS

35. Information technology hardware and software in awarding organisations, and particularly in many centres, is not always state-of-the-art and therefore can be more open to abuse than the most up-to-date equipment. There is, of course, a cost issue in keeping equipment, and key people who use it, up to date.

36. AOs have in-house laptops for senior examiners, of whom there are around 6000, to work on, but there are an estimated 71,000 examiners and moderators, and at least one recent case has highlighted the problems that can arise from examiners using their own devices to do examination work and communicate with AOs.

USING TECHNOLOGY TO COMBAT MALPRACTICE

37. Persistent vigilance by AOs is the best guard against technology-based malpractice, with AO staff constantly alert for new developments. All AOs have in-house malpractice units which are on the front line in dealing with technology-based malpractice. It is important that they share information and work together closely across JCQ member organisations. The JCQ cyber-security group is a good example of this collaboration.

38. Those giving evidence to the Commission observed inconsistencies across centres in dealing with technology malpractice. Different centres have different practices, such as the use of scanners or pocket checks.

39. It was also noted by one witness to the Commission that, perhaps due to their younger age and the fact they are more numerous, it is likely that there are some candidates who are ahead of staff in centres, awarding organisations and regulators in their knowledge and use of technology.

40. Packet security is one way in which technology can be used to ensure that papers are not opened early. Pearson used this to good effect as part of its investigation of the malpractice in A-level mathematics in 2019.

41. Where AO malpractice teams do not have the expertise to deal with a particular type of malpractice, external advice can be bought in. Malpractice using the dark web is one example of this. There are companies that have the capacity to carry out investigations on dark web malpractice and one AO is employing one of these companies to monitor activity in the examinations field. It is **recommended** that JCQ take the lead in facilitating this monitoring of the dark web for examination malpractice.

42. Cyber-essentials, a government scheme, provides an industry standard for cyber-security and is useful for AOs, although all cyber-security is expensive. This scheme is required for government procurements. The JCQ board has also discussed this and, based on advice from PA Consulting, has agreed to adopt cyber-essentials as an industry standard.

43. The US-based National Society of Collegiate Scholars (an 'academic honor society for college students') has a good practice toolkit on cyber-security for exam boards.

44. The National Cyber Security Centre could also be an important ally and source of guidance in helping AOs and centres to prevent and detect malpractice.[5] It is **recommended** that, through its cyber-security group, JCQ should build a relationship with the National Cyber Security Centre and use it to support its member AOs.

45. QAA has produced assessment guidelines for university staff,[6] which includes the aim that 'assessment encourages academic integrity'. It states that a variety of assessment methods is helpful in minimising the impact of malpractice.

46. A presentation at the University of Melbourne in 2018[7] looked at the main risks to the university's examinations system: the formulation of examination questions by lecturers not working securely; poor quality invigilation; marking and entering the marks on the university's data system. The presentation made recommendations to improve each of these high-risk aspects of the process. The Commission has adopted a similarly risk-based approach to its recommendations.

47. Universities and some AOs use originality-checking software to detect plagiarism. Even if only a sample of scripts were checked, this would act as a powerful deterrent to plagiarism. It is **recommended** that AOs should draw on the practice of universities and use originality-checking software to check GQ and VTQ coursework and controlled assessments for plagiarism, if they do not already do so. This could be trialled with a random or risk-based sample.

48. The risk of technology-based cheating can be reduced through the use of secure test centres, such as are used for driving licence theory tests or for the Pearson test of English (PTE). Palm scans and photo ID act as a guard against impersonation, and face- and voice-recognition can also be used. In the majority of JCQ centres, teachers know their students and this level of identity check is not necessary. The cost of providing dedicated centres for GQ and VQ assessments, and/or scanners on entry, would be prohibitive.

49. Anglia Ruskin University has introduced e-assessment as part of an online clinical practice portfolio for its 2,000 nursing students. With trainee nurses dispersed in over 200 locations, it was difficult for university staff to keep track of the trainees' progress with a paper-based system and occasional visits, and it was difficult for the trainees to seek support when needed. Assessment was a resource-heavy process. By using a mobile e-assessment tool, not only is the formative assessment of the trainee nurses more timely and efficient, but it also provides an effective communications tool between the trainees and their tutors.

50. The Tata recruitment process is an example of commercial use of interesting anti-malpractice developments, which may be applicable to a wider field of assessment, both in GQ and in VTQ.[8] The main Tata recruitment centre has the capacity to shut down internet access and phones in locations where assessments are taking place. The assessments are then downloaded on to tablets at a set time, with the student responding either on paper or on screen. At the end of the assessment, the candidate response is either uploaded from the tablet or photographed from the paper response. The assessment questions are then wiped remotely from the tablets. Impersonation is prevented through body scanning, frisking, thumbprints and biometric registration. The main centre has 360-degree viewing through CCTV.

51. AOs could also consider the use of virtual reality in assessment, such as that used by the logistics company DHL in checking that people know how to collect deliveries. This has the potential to transform VTQ assessment in a way that would help to deter malpractice.

52. It was considered by those giving evidence to the Commission that 'technology is both the cure and the disease' for much potential malpractice. The need for sophisticated devices to detect technology-based malpractice was encapsulated in the phrase from one witness: 'You can't use a bike to catch a car.'

VIGILANCE

53. For both technology-based and non-technology-based malpractice by students in the examination room, vigilance on the part of invigilators remains the strongest weapon against students taking an unfair advantage through cheating.

54. There are around 150,000 invigilators in the UK and centres often find difficulty in recruiting the number they need. There is no recognised job description, although The Exams Office has a draft job description on its website.[9]

55. The training of invigilators is a high priority in reducing technology-based malpractice. However, there is no national training programme for invigilators, although schools are obliged to train and update them each year. JCQ states that: 'The head of centre must ensure that [invigilators] are competent and fully trained, understanding what is and what is not permissible.'[10]

56. It is important that invigilators understand and are competent in detecting technology-based malpractice. The Commission **recommends** that the level of invigilator training should be considered and, if necessary, raised and made mandatory.

57. In the wider qualifications and assessment system, technology issues go well beyond what can be done by invigilators and require the system to be pro-active in preventing technology-based malpractice and strict in dealing with it, working together even more closely than at the present time and sharing intelligence at every opportunity.

REMOTE INVIGILATION

58. Invigilation (sometimes called proctoring) is the monitoring of an assessment session. Remote invigilation uses digital audio or video facilities for online examinations.[11]

59. The aims of remote invigilation are to verify the identity of the student taking the assessment; to prevent, identify and report malpractice; and to support candidates with their queries.

60. Remote invigilation is used particularly in circumstances where students are being assessed online in different locations after distance learning for a qualification. Technology, such as the use of biometric checks, can be used to validate identity. Remote invigilation is being trialled by the ICAEW, which uses secure test centres for its examinations that are taken by over 30,000 trainee accountants each year.

61. Remote invigilation is already used by some AOs for some VTQ assessments.

CERTIFICATION

62. Paper qualification certificates, while containing a range of security features, are open to forgery or amendment by both old and new technologies. In some professional fields, qualifications are now being recorded online, using an APMG[12] certificate scheme. This is the online registration of qualifications with a code number for access. This too could be open to individuals using technology to change their qualifications, so the system has to keep ahead of potential abuse, but is more secure than paper qualification certificates.

63. Some AOs allow employers to access electronic certification of candidates' results, in order to prevent falsification of paper results certificates. Blockchain technology, which prevents changes being made to records on the internet, is used by City and Guilds to create digital certification of successful candidates.[13] The Commission **recommends** that a secure online database of certificated results should be considered by JCQ.

EXAMINATIONS AND ASSESSMENT IN THE FUTURE

64. The examinations and assessment system in 2019 has many more similarities than differences with the system 50 years ago. Most GQs are gained through time-limited pen-and-paper tests sitting at a desk in a large examination room. It is more likely than not that the advance of technology, and young people's use of it, will force a change in the system in the medium-term. The government, regulators, awarding organisations, JCQ and examinations centres will all need to acknowledge that, while this change may be desirable, it needs to be prepared for, both in terms of general regulations for taking examinations and in approaches to dealing with malpractice.

65. Respondents to the Commission's call for evidence suggested that greater use of online and adaptive assessment would reduce the risk of malpractice, although it was recognised by some that moving to new forms of assessment carried risks of other malpractice issues.

66. Where data entry, rather than pen-and-paper testing, is used for assessments, automated assistive technology can be used more easily to detect plagiarism and identify similar responses.

67. In an article in the *Times Educational Supplement* in the wake of the mathematics A-level leak in 2019, the ASCL general secretary wrote that 'we must re-think an exam season that has grown to monstrous proportions', suggesting that fewer examinations, a more varied set of assessments and taking account of other skills and qualities could create a system less open to malpractice.[14] The president of Pearson, Rod Bristow, responded on Twitter, adding the question: 'How long can we operate an analogue system that is living in a digital world?' and making the point that: 'Digital innovation in assessment can be more secure and has potential to support teaching and learning, not solely measure it'.

68. The Education Technology Action Group (ETAG), under the chairmanship of Professor Stephen Heppell, has published a discussion of technology-assisted assessment,[15] pointing out that digital technology has changed many aspects of our lives, but has had little effect on examinations in the UK. It concludes that the issue of how it could be used in high-stakes assessment should be studied, with the government setting a strategic goal of moving towards the utilisation of digital technology-enabled assessment across the majority of subjects.

69. Some progress has been made with e-assessment and adaptive digital assessment has been used for some lower-stakes testing. Denmark, Finland and New Zealand have made considerable strides towards wider use of e-assessment.

70. *Viva voce* examinations act as a check on performance in written and e-assessment tests. These are already used in the Extended Project Qualification (EPQ) assessment.

71. The Commission **recommends** that, through maximum alertness on the part of AOs, ways of future-proofing the system against new technology-based malpractice need to be kept under constant review.

72. The Commission **considers** that all organisations in the system should be preparing for different kinds of examinations systems that may emerge with the advance of technology and changes in learning practice.

73. This is a complex issue and the Commission **recommends** that the government should fund research into the barriers to extending digital and e-assessment, including potential malpractice issues, in order to prepare the UK examinations system for the future.

Recommendations

1. The possession of a mobile phone in an examination room should continue to be banned.

2. The ban on smart watches and other internet-enabled devices should also be continued. The communication of this ban should be as thorough as that for mobile phones.

3. Due to the proliferation of smart watches and increases in their capabilities, and the difficulty for invigilators in being able to distinguish between smart watches and non-smart watches, <u>all</u> watches should be banned from examination rooms. A dispensation should be made available as an access arrangement for eligible candidates who need a watch to be able to have a non-smart watch, which must be placed on their desk.

4. JCQ and AOs should clarify that attempting to sell a hoax paper is a form of malpractice and subject to sanctions.

5. From the September when candidates begin studying for their GCSEs or A-levels, centres should highlight to them the social media notice asking them to report any malpractice they see or suspect to senior staff of the centre.

6. Toilet sweeps should be utilised during the examination season to prevent instances of candidates secreting notes, devices and other materials in toilet cubicles, where they cannot be supervised.

7. JCQ should take the lead in facilitating the monitoring of the dark web for examination malpractice.

8. Through its cyber-security group, JCQ should build a relationship with the National Cyber Security Centre and use it to support its member AOs.

9. AOs should draw on the practice of universities and use originality-checking software to check GQ and VTQ coursework and controlled assessments for plagiarism, if they do not already do so. This could be trialled with a random or risk-based sample.

10. The level of invigilator training should be considered and, if necessary, raised and made mandatory. The understanding and competence of invigilators should be tested more rigorously.

11. A secure online database of certificated results should be considered by JCQ in order to prevent forgery of paper qualification certificates.

12. Through maximum alertness on the part of AOs, ways of future-proofing the system against new technology-based malpractice need to be kept under constant review.

13. All organisations in the system should be preparing for different kinds of examinations systems that may emerge with the advance of technology and changes in learning practices.

14. The government should fund research into the barriers to extending digital and e-assessment, including potential malpractice issues, in order to prepare the UK examinations system for the future.

References

1   https://psycnet.apa.org/record/2014-52302-001?mod=article_inline

2   JCQ regulations regarding clocks are in Instructions for conducting examinations, section 11.7, p.18.

3   https://www.bbc.co.uk/news/uk-england-dorset-47551331

4   See Appendix 5.

5   For example, the National Cyber Security Centre has a toolkit for board members: https://www.ncsc.gov.uk/collection/board-toolkit

6   https://www.qaa.ac.uk/docs/qaa/quality-code/advice-and-guidanceassessment.pdf?sfvrsn=ca29c181_4 (p.6)

7   https://www.hes.edu.au/sites/default/files/uploaded-content/websitecontent/Images/Documents/2018-HEQN-Conference/mcmaster.pdf

8   For a demonstration of the Tata process, see https://www.youtube.com/watch?v=ih5xi0dzOSU

9   https://www.theexamsoffice.org/job-descriptions/

10 On invigilator training, see JCQ regulations in Instructions for conducting examinations, section 12, p.20

11 For a fuller description of online proctoring, see https://www.e-assessment.com/remoteproctoring-sig/. Further information can be obtained from the eAA Remote Proctoring SpecialInterest Group.

12 APMG is the Agile Project Management Group

13 For an explanation of blockchain technology, see https://blockgeeks.com/guides/what-isblockchain-technology/

14 https://www.tes.com/news/level-leaks-and-our-monstrous-exam-system

15 http://www.heppell.net/etag/media/ETAG_reflections.pdf See p.18 and Annex C.

9

Access arrangements and special consideration

1. Access arrangements and special consideration are essential parts of a good examination system, ensuring that those with special needs and disabilities, or who are affected by incidents around the day of an examination, are treated fairly.

2. JCQ does not regard issues associated with access arrangements (AA) or special considerations (SpecCon) as coming under the heading of malpractice but, in the Commission's consideration of improvements to the system, any possible abuse of AA and SpecCon has been part of our focus and we have found areas in which improvements can be made which will help to maintain a level playing field for all candidates.

DEFINITIONS AND THE EQUALITY ACT 2010

3. **Access arrangements** are defined by JCQ as follows: Access arrangements are agreed before an assessment. They allow candidates with special educational needs, disabilities or temporary injuries to access the assessment and show what they know and can do without changing the demands of the assessment.

4. The intention behind an access arrangement is to meet the particular needs of an individual candidate without affecting the integrity of the assessment. Access arrangements are the principal way in which awarding bodies comply with the duty under the Equality Act 2010 to make 'reasonable adjustments', where a disabled person would be at a substantial disadvantage in undertaking an assessment.[1]

5. A reasonable adjustment for a particular person may be unique to that individual and may not be included in the list of available access arrangements. The duty is 'anticipatory'. This means that consideration should proactively be given to what reasonable adjustments students may need. A failure to provide a reasonable adjustment by a centre may disadvantage disabled students and may, if challenged, lead to a finding of disability discrimination against that centre.

6. **Factors that might reasonably be expected to have a substantial adverse effect** – and thus qualify for access arrangements – are:

   a. persistent and significant difficulty in reading and understanding written material where this is in the person's native language, for example because of a mental impairment, a learning difficulty or a sensory or multi-sensory impairment

   b. persistent distractibility or difficulty concentrating

   c. difficulty understanding or following simple verbal instructions

   d. physical impairment: for example, difficulty operating a computer because of physical restrictions in using a keyboard.

7. **Special consideration** (SpecCon) is a post-examination adjustment to a candidate's mark or grade to reflect temporary injury, illness, bereavement or other indisposition at the time of the examination/assessment.

8. **The public sector equality duty** (PSED) was introduced by the Equality Act 2010. This requires public bodies, including schools and colleges, to think proactively about how they should tackle discrimination and any other conduct prohibited under the Act, advance equality and foster good relations between different groups of students[2]. In practice, the duty requires schools and colleges to collect and analyse data on how they are meeting the needs of their students and staff and to set equality objectives to target areas for improvement.

9. Under the Act, awarding organisations have a duty to make reasonable adjustments for disabled students taking their qualifications. Section 96(7) of the Act gives Ofqual the power to prohibit or limit the extent to which AOs must make or allow reasonable adjustments for specified general qualifications.

THE CURRENT SITUATION

10. JCQ publishes *Access Arrangements and Reasonable Adjustments – Regulations and Guidance* for heads of centre, EOs, SEN co-ordinators (SENCos) and assessors.

11. The AA process includes an online system, Access Arrangements Online (AAO), introduced in 2008, to allow GCE and GCSE access arrangements to be processed electronically. This is used in 90 per cent of AA cases.

12. Decisions on most access arrangements are delegated to centres. Responsibility for determining the arrangements is devolved to SENCos at a local level as they are best placed to determine the needs of their students, although there is no verification of the qualifications of SENCos to carry out this work.

13. Some arrangements are permitted to be put in place by the centre without any application: for example, reading aloud and/or the use of an examination reading pen; word processor; prompter. No data on these AA are submitted and so are not included in the national statistics.

14. In Scotland, schools decide which students need AA and the decisions are quality-assured after the end of the examination series, with a group of schools moderating each other. SQA asks to see the evidence for the AA. This reliance on moderated professional judgement places a high degree of trust on the centre and is consistent with wider education policy in Scotland.

15. JCQ is aware of the potential for abuse of the AA system and, in 2017, it prohibited psychology reports privately commissioned by parents. These reports were, of course, only available to those who could afford to pay for them and thus gave a perceived advantage to students from well-off families. Such reports started to become more prevalent in 2017 and were putting pressure on schools to provide these students with 25 per cent extra time under AA.

16. JCQ looks for a whole-centre approach to AA in schools and colleges. The SENCo must work in conjunction with teaching staff to identify the most appropriate AA for the candidate, painting a picture of the candidate's needs and demonstrating that the AA reflects the candidate's normal way of working when subject to timed and controlled conditions.

17. For example, where a request is made for a student to have 25 per cent extra time because of a learning difficulty, JCQ requires that the impact of the student's difficulty is evidenced using standardised tests of their speed of reading, reading comprehension, writing and/or cognitive processing measures.

18. The JCQ criteria for particular AA have either been tightened and/or there is a requirement for the application to be referred online to the relevant AO for a decision. Arrangements which have been reviewed in recent years are: bilingual dictionary with extra time; 25 per cent extra time; more than 25 per cent extra time; oral language modifier; practical assistance in written examinations.

19. JCQ officials meet with organisations representing young people with SEND, such as the Dyslexia Guild, the British Association of Teachers of the Deaf (BATD), and the Professional Association of Teachers of Students with Specific Learning Difficulties (PATOSS).

DATA ON ACCESS ARRANGEMENTS AND SPECIAL CONSIDERATION

20. The following statistics are taken from Ofqual annual reports[3]:

Access arrangements (England only)

	Number of approved AA	% increase on previous yr	% of centres with AA	Approvals given 25% extra time	Modified papers
2015	345,005	8	NA	53%	32,065
2016	372,930	8	90	55%	38,115
2017	392,955	5	92	57%	48,080
2018	391,130	-0.5	91	60%	49,985

Special considerations (England only)

	Approved SC	% increase on previous yr	% approved	% of all assessments
2015	449, 240	11	93	3
2016	479, 565	7	94	3
2017	567, 575	18	94	3
2018	571, 615	1	93	4

LIMITATIONS OF THE DATA

21. The data above for AA can be confusing, as they are at neither student level nor assessment level, but a mixture of the two. Thus, it is not possible to know the total number of distinct assessments subject to AA, nor is it possible to know the number of students in an examination series who had one or more agreed AA.

22. Some AA applications are per student per assessment. For example, for those arrangements requiring specifically modified papers, a request is made for each individual student and for each individual examination paper.

23. Some students may request just one, or may request several, modified papers. Some AA applications are per student but may cover several assessments, the number of which is unknown. For example, for extra time, the arrangement is applied for per student, and is then available for all assessments taken in a relevant time period (usually up to 26 months).[4] There is no application for each individual assessment, but the arrangement stands and is available to the student for any assessment taken during the period of eligibility. Students may, for any individual assessment, decide not to make use of the arrangement.

24. It is apparent, therefore, that the number of AA in each examination series is not known.

25. AAOnline produces no data on the subjects for which AA is granted.

26. As Ofqual data is aggregated at centre level, AA are not matched to candidate data, so it is difficult to evaluate the impact of AA. This may make it difficult for centres and Ofqual to demonstrate how they are complying with the requirements of the Equality Act 2010.

27. With the present system of granting AA, it is not possible to disaggregate the data in a way that would provide a clear picture of the extent of AA in each examination series or across subjects. The Commission recognises that producing more

granular data would involve centres in some additional workload, but believes that the creation of a much clearer picture of AA is needed for the maintenance of public confidence in the AA system and the provision of data on which sound policy can be built.

28. It is therefore **recommended** that the regulators and JCQ consider how the data on AA can be collected and presented in a way that produces an accurate indication of the number of AA in each examination series.

29. It is further **recommended** that AA data should be linked to candidate data.

30. The number of SpecCon requests according to subject at GCSE in 2017 and 2018 (greater than 9 per cent of total entries) was as follows[5]:

Number of special consideration requests according to subject 2018

Subject	SpecCon applications as percentage of total entries	
	2017	**2018**
French	10.0	15.4
Spanish	9.3	15.4
History	10.2	14.9
German	9.4	13.4
Religious studies	9.1	12.7
Classical subjects	18.7	12.3
Geography	8.8	11.9
All science subjects	11.6	10.0
Mathematics	10.1	10.0
Music	7.4	9.7
Social science subjects	9.3	9.2
English literature	9.0	9.0

31. The allocation of additional marks for successful applications for special consideration are:[6]

   a. 5 per cent: the most exceptional cases, such as recent death of a family member or terminal illness

   b. 4 per cent: very serious problems, such as a severe disease or injury

   c. 3 per cent: recent traumatic experience or domestic crisis

   d. 2 per cent: illness at the time of the assessment or extreme stress on the day of the examination

   e. 1 per cent: minor problems such as noise during the examination or minor ailments

32. The modal additional mark was 2 per cent in 2018 and 3 per cent in 2017.

33. It is noteworthy that the highest proportion of requests for special consideration, listed in the table above, occurs in subjects that contribute to the prime schools' accountability measure, Progress 8. The only other subjects where requests were made for over 9 per cent of the candidates were social science subjects, music and classical subjects, with classical subjects having an extremely high proportion of 18.7 per cent in 2017.

34. In the light of these figures, the Commission recommends in paragraph 38 below that JCQ should examine the use of SpecCon.

THE WORK OF THE CENTRE INSPECTION SERVICE (CIS) ON ACCESS ARRANGEMENTS

35. AA inspections are currently one of seven types of inspection carried out by the CIS. (See section 12) They are a check on compliance with AA procedures in a sample of centres, undertaken normally in March and April each year. Inspectors look at the evidence for each application and ensure that all are signed off by an appropriately qualified professional. Inspectors sample candidate applications, ensuring the paperwork held on file by the SENCo is consistent both with the approved online application and with the published JCQ regulations.

36. On AA, CIS inspectors check that the correct process is being followed, but do not check whether candidates actually need the AA. Consequently, inspectors have not identified widespread malpractice in AA. They report only on issues that relate to process – for example, tardiness, forms not being signed and/or dated or elements of the paperwork missing.

37. Inspectors have observed a high turnover of SENCos and a lack of engagement by senior leadership teams in the AA process.

38. The CIS does not carry out inspections on special considerations, so the Commission **recommends** that JCQ and AOs should work together to ensure that centres are using the AA and SpecCon system appropriately.

39. A more risk-based approach to the AA inspections is about to be adopted. This will see a focus on 'centres of concern' and those centres with an abnormally high, or low, number of approved applications for a particular arrangement.

CONCERNS ABOUT THE CURRENT SYSTEM OF ACCESS ARRANGEMENTS AND SPECIAL CONSIDERATION

40. Without a detailed study of individual cases, it is difficult for the Commission to say whether the current level of AA and SpecCon is reasonable. What is certain, however, is that a growth in AA approvals of 13 per cent in three years and a growth of 27 per cent in SpecCon approvals in the same time period raise questions that need to be answered about the way in which the current approval process is operating, and whether the cause of this level of increase is a) a legitimate growth in applications, b) abuse of the system, or c) a system failure that suggests reform is necessary. This is supported by the 17 per cent of respondents to the examinations officer survey, who considered that the current arrangements are not fair or adequate.

41. Those giving evidence to the Commission have suggested that the increase in the number of students doing GCSEs, the lack of coursework and the consequent greater reliance on terminal examinations, which have been made more difficult recently, have been factors in the increased number of AA and SpecCon applications.

42. No scrutiny of the use of 25 per cent extra time is currently required by AOs. In order to evaluate whether AA is over-compensating for students' disabilities, it is **recommended** that JCQ should commission research on the distribution of grades of students with 25 per cent extra time against the grades achieved by a control group of students of similar ability.

43. The SENCo must be certain that the AA 'reflects the candidate's normal way of working when subject to timed and controlled conditions'. This must often be hard to assess unless the SENCo has seen the student working under examination conditions.

44. For some students, and all students in some well-resourced schools, the 'normal way of working' may be on a laptop, on which they learn to type faster than they can write and where they can re-order their answers without re-writing them. In time-limited examinations, this could give them an advantage over other students, but is not malpractice.

45. It is a matter of concern that the playing field is not level between well-resourced centres, that can afford to have large numbers of students with AA arrangements, and other centres which do not, or cannot afford to, have the time and resources to process and invigilate large numbers. Also, some centres find it easier than others to find accommodation and invigilators for all the students who are entitled to AA.

46. The cost of diagnosis by specialist assessors to provide evidence for the AA application is large for centres with many potentially eligible students. For students with Education Health Care Plans (EHCP), centres may already have sufficient detail to be used in evidence for an AA application, but many students eligible for AA may not have EHCPs.

47. The Commission also considered whether the cost could be reduced if JCQ engaged researchers to create tests that would be free for all centres to use when making AA applications. SENCos could then be trained and accredited in the proper use of the test. It is **recommended** that JCQ works with organisations of special needs professionals to investigate the feasibility of this proposal.

48. It is a matter of concern that there are centres that make no AA applications. Where centres are not applying for AA for students who may be so entitled, the centre may be in breach of equalities legislation.

49. The examination system should be fair, and be seen to be fair, between students with and without disabilities.

50. The provision under AA of 25 per cent, or more, of extra time to sit papers is a blunt instrument. There is no scrutiny by the CIS, JCQ or AOs of whether all of this time is required for all of the students granted it, nor whether the time is generally all used.

51. Research conducted by Cambridge Assessment in 2016 found contradictory evidence on the impact of extending test times. Students with learning difficulties generally increase their scores when given extra time, and these increases are often statistically significant. However, many of the same studies quoted by Cambridge found that students without learning difficulties also increased their scores by statistically significant amounts in extra time.[7]

52. During the period of the Commission's work, the JCQ Board commissioned research on the use of the 25 per cent additional time, the results of which will be published in due course.

53. A more risk-based approach to CIS inspections will provide a stronger focus on centres that have a disproportionately large, or disproportionately small, number of AA.

54. In a letter to JCQ in October 2018, Ofqual expressed concern about certain aspects of the JCQ documentation on AA; in particular, in *Access Arrangements and Reasonable Adjustments – Regulations and Guidance*:

    a. The JCQ document is lengthy and complex to understand.

    b. There is a lot of duplication in the document.

    c. The document is not clear about how centres should consider the type of adjustments for which they should apply for each student.

    d. There is unclear information about which adjustments are likely to be suitable or permissible.

    e. The principle that centres should adopt an evidence-based approach and use their judgement to determine if reasonable adjustments should be made seems sound.

    f. The document is not clear about the evidence needed to demonstrate a 'normal way of working' consistent with needing 25 per cent extra time.

    g. There is no clear distinction between AA made for disabled candidates and those with a short-term impairment.

    h. Since disabled students have a legal right to Reasonable Adjustments, it does not seem appropriate that they are required to do more than those requesting SpecCon who are not considered disabled.

    i. This makes the JCQ document at risk of not meeting several aspects of the GCR (General Conditions of Recognition).

SCRIBING

55. An article in the *Times* newspaper in June 2019[8] described a shocking situation in which a private tutor, in the role of a scribe, stated that he was paid £3000 to write history A-level examinations answers for his tutee.

56. In the article, the tutor described how a student had a letter from a private educational psychologist stating that the tutor should dictate the student's examinations due to learning difficulties. The student's family was then permitted by the

examination centre to choose a scribe. An invigilator was also in the room where the examination took place, but did not intervene. Apart from the first sentence, which was dictated by the student, the remainder of each answer was written by the tutor, with the student reading aloud what the tutor wrote, a few words at a time. The tutor and student practised the approach beforehand to make the session sound spontaneous.

57. In response to the article, JCQ stated that the description was not that of a genuine A-level or GCSE exam. JCQ regulations state that scribes must be appointed by the head of centre and it would not be acceptable for a centre to appoint a candidate's personal tutor to act as a scribe in an examination. Such a breach of JCQ guidelines would be subject to sanctions.

58. JCQ pointed to several statements in the article which indicated that the article was not about a JCQ examination. For example, there is no JCQ requirement to record a candidate's responses to a scribe; reports from privately commissioned educational psychologists cannot be used to award access arrangements; and scribes must be appointed by the head of centre, not by the candidate's family.

59. The ability for students to have an adult scribe or a reader opens up the potential for malpractice in different ways, if the adult is so minded. The selection of the adult to act as scribe or reader is therefore critical to the avoidance of malpractice. The Commission **recommends** that JCQ regulations should state that scribes and readers should have no personal connection with the student and should preferably be appointed from outside the centre. In exceptional circumstances, a candidate with a particular special need may require someone known to them as a scribe and regulations should allow for this.

60. The role of the head of centre, examinations officer and invigilator in relation to the use of scribes should be presented more clearly in the access arrangement regulations, in order to ensure that scribes are appropriately trained, selected and supervised and that accountability for the correct administration of all examinations sits with the head of centre.[9]

RESEARCH ON ACCESS ARRANGEMENTS

61. Research on access arrangements[10] by Woods et al in 2018 pointed out the significant change factors in the years since their previous survey in 2007: changes to GCSE style of assessment; developments in the availability of special provisions, such as reading pens, computer readers and speech recognition technology; the JCQ online approval system; requirements placed on centres and on SENCos; and the Equality Act 2010.

62. The 2018 survey by Woods et al of those with main professional roles associated with AA, such as SENCos and specialist assessors, found that 43 per cent regarded the current arrangements as unmanageable, compared with 25 per cent who regarded them as manageable. Of particular significance to the Commission's work: 46 per cent regarded the current arrangements as fair; 51 per cent expressed negative or ambivalent views on fairness; 64 per cent considered that an extension of the current arrangements would be desirable; with 22 per cent thinking that undesirable.

63. On manageability, the two most frequently cited issues were: the time needed to complete assessments and the online application process, which was often described as 'bureaucratic'; and the annual changes in JCQ procedures. Resource constraints were much mentioned: lack of time for the SENCo to carry out this work; the impossibility of screening whole year groups in schools with large cohorts; the difficulty of finding extra spaces and invigilators.

64. On fairness, survey respondents raised questions about the validity and operation of specific test cut-off scores for AA eligibility. Fairness concerns included human and material resource deficits in some centres, citing 'inequities created by differences in schools' capacities to devote resources to the process and provisioning of AA', such as the capacity to use assistive technologies, the availability and cost of extra staffing.

65. On extension of AA, there was support for extension according to 'assessment need' and also through the development of technological assistance. 'AA should be needs-led rather than resource-led' was frequently mentioned.

66. The authors of the paper observed that there is no systematic gathering of evidence on the use of, or views on, AA, suggesting that a wide range of stakeholders should be regularly and systematically consulted, to include a realistic evaluation of resource demands.

67. The Commission does not have evidence of malpractice in AA and SpecCon applications, but it has concerns about the number of applications and the increase in recent years. It is therefore **recommended** that the JCQ Board should commission further research on AA and SpecCon in order to ensure that AA and SpecCon are designed in a way that creates a level playing field between candidates with disabilities and others.

A MOVE AWAY FROM TRADITIONAL EXAMINATIONS?

68. The Commission discussed whether the current situation of access arrangements, with a significant minority of students having 25 per cent extra time, should call into question the traditional time-limited written examination, in which students are not only required to display their knowledge, but have to do so against the clock. If examinations were not time-limited, the need for some students to have 25 per cent extra time would disappear.

69. The 2018 paper by Woods et al noted that, in the context of access arrangements, the long-established format of current examinations, demanding time-limited pen-and-paper answers, was questioned by some respondents.

70. There is a precedent for increasing the length of examinations to assist a particular group of students, albeit in higher education. In 2017, the University of Oxford extended the length of maths and computer science examinations from 90 to 105 minutes as part of an effort to help women achieve better grades, although the examination questions remained the same length and difficulty. This extension arose from the belief of university staff that the time pressure of the shorter examination had a greater adverse effect on female candidates than it did on their male counterparts, the board of examiners having suggested that the department change its systems to improve women's grades. Staff were said to believe that this change could reduce the gender gap in results and reduce the extent to which the examinations were a time trial as well as a test of mathematical understanding.[11]

71. While recognising that traditional time-limited pen-and-paper tests may well not be the standard form of examinations in, perhaps, ten years' time, the Commission decided not to make a recommendation to accelerate this process in order to overcome the issues raised in the above discussion of access arrangements. The removal of time limits would, in the view of the Commission, not only put additional administrative pressure on centres, but would also place more pressure on students, who would potentially spend much longer in the examination room during what is already, especially at GCSE, a long and stressful period.

SEN CO-ORDINATORS

72. SENCos have a vital role in ensuring that access arrangements are put in place in line with regulations and in a way that levels the playing field for students with special needs. Representatives of SENCos who met with the Commission said that, after workload, access arrangements are the biggest source of problems for SENCos.

73. The results of the survey conducted for the Commission by Whole School SEND included the following:

   a. Each AA assessment and application takes SENCos an average of 2.5 hours. When there is a large number of AA assessments and applications to process, this work represents a high proportion of a SENCo's working year.

   b. Lack of time is a major hindrance to effective completion of AA for a large majority of SENCos.

   c. Students attending a school where the SENCo is qualified to assess for AA are much more likely to be assessed.

   d. 10 per cent of SENCos in the maintained school sector are qualified to assess for AA, compared with 34 per cent in the independent sector.

   e. Well-resourced schools (schools which have a SENCo/specialist qualified to assess) have access to more tests than schools which do not, thereby enabling them to assess more widely.

74. As found in the research by Woods et al, cited above, the survey of SENCos indicated that the playing field is not level between well-resourced and poorly-resourced schools, with well-resourced schools able to take full advantage of AA for their students, whereas poorly-resourced schools are not.

75. Testing of students for eligibility for AA, using a range of tests, is costly in time and resources. The cost of an external assessment outside the centre is around £350 per student.

76. A majority of SENCos find themselves under pressure from parents and staff to test for AA.

77. Practical arrangements for providing AA can be difficult for centres, in terms of the number of available rooms and the falling number of teaching assistants available to invigilate or support students with AA.

78. Paperwork is often considered excessive by SENCos, who find Form 8 long and repetitive. This could be simplified. Having to make different applications for different boards or types of examination causes difficulty for some SENCos.

79. AA is a large and important part of the role of the SENCo and, if this work is to be carried out properly and thoroughly, SENCos need to have sufficient dedicated SENCo time to carry out this work.

80. In the delivery of AA, readers and scribes are not assessed in terms of their suitability for the task they are being asked to carry out.

81. Students with autism, Aspergers and ADHD, which attract AA automatically, can be disadvantaged in their access to AA by the long waiting times for assessment of their condition in the NHS.

Recommendations

1. The regulators and JCQ should consider how the data on access arrangements can be collected and presented in a way that produces an accurate indication of the number of AA in each examination series.

2. AA data should be linked to candidate data.

3. JCQ and its member AOs should work together to ensure that centres are using the AA and SpecCon system appropriately and in line with equality legislation.

4. JCQ regulations should state that scribes and readers should have no personal connection with the student and should preferably be appointed from outside the centre.

5. The Commission does not have evidence of malpractice in AA and SpecCon applications, but it has concerns about both the number of applications and the increase in number in recent years. The JCQ Board should commission further research on AA and SpecCon in order to ensure that AA and SpecCon are designed in a way that creates a level playing field between candidates with disabilities and others.

6. JCQ should work with organisations of special needs professionals to investigate the feasibility of engaging researchers to create a bank of tests that would be free for all centres to use when making AA applications. SENCos should then be trained and accredited to carry out these tests properly.

7. School leaders should provide SENCos with adequate time to administer and apply for access arrangements, as well as fulfilling their other responsibilities.

8. In order to evaluate whether AA is over-compensating for students' disabilities, it is recommended that JCQ should commission research on the distribution of grades of students with 25 per cent extra time.

References

1   Guidance from the Equality and Human Rights Commission (EHRC), which regulates the Equality Act 2010, can be found here:
https://www.equalityhumanrights.com/en/publicationdownload/technical-guidance-schools-england
Guidance from the Department for Education on the Equality Act 2010 can be found here:
https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools

2   Guidance from the Equality and Human Rights Commission can be found here:
https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty

3   https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770570/Access_Arrangements_for_GCSE__AS_and_A_level_2017_to_2018_academic_year.pdf

4   The exception to this 26-month period is that JCQ rules state that applications for 25 per cent extra time must be re-submitted between GCSE and A-level.

5   https://www.gov.uk/government/statistics/special-consideration-in-gcse-as-and-a-level-summer-2018-exam-series

6   https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762161/Background_notes_for_Special_consideration_in_GCSE__AS_and_A_level_summer_2018_exam_series.pdf

7   The Commission is grateful to Cambridge Assessment for allowing access to this internal research paper, Does increasing examination time affect the grades of students? Research Division, Cambridge Assessment, 2016

8   https://www.thetimes.co.uk/article/confessions-of-an-exam-cheat-tutor-for-3-000-i-will-writeyour-childs-a-level-paper-scrm9x3cm

9   JCQ access arrangements regulations state that: 'The cover sheet must be signed by the scribe and countersigned by the head of centre or the examinations officer' (Access Arrangements and Reasonable Adjustments – Regulations and Guidance, 2018-19, p.52). 'Centres must ensure that both invigilators and those acting as a scribe are appropriately trained and familiar with the rules as detailed on page 52.' (Access Arrangements and Reasonable Adjustments – Regulations and Guidance, 2018-19, p.97)

10 Kevin Woods, Abi James and Amanda Hipkiss, 'Best practice in access arrangements made for England's GCSEs: where are we ten years on?', British Journal of Special Education, vol.45, no.3, 2018, pp 236-255

11 https://www.oxfordstudent.com/2018/01/23/oxford-university-extends-maths-exams-improvewomens-grades/; https://www.telegraph.co.uk/education/2018/02/01/oxford-university-extendsexam-times-womens-benefit/

10

Documentation on examination and assessment procedures

AUDIENCE

1. JCQ documentation on examination and assessment procedures has several intended audiences. Heads of centre (headteachers, principals and workplace executives), senior leaders and examination officers (EOs) are expected to be familiar with all the documentation. Other teachers, students, parents, carers and wider stakeholders also have an interest.

2. The accessibility, readability and dissemination of the documentation, including dissemination of any changes, must be shared and communicated in a way which reflects this.

3. For example, new EOs searching the JCQ website for guidance on how to perform their role would find a mass of documentation, information and resources, including the following major documents:

   a. *Access arrangements and reasonable adjustments* (also available in hard copy)

   b. *General regulations for approved centres*

   c. *Instructions for conducting examinations (ICE)* (also available in hard copy)

   d. *Plagiarism in assessments*

   e. *Suspected malpractice in examinations and assessments*

   The high turnover of EOs, and the prospect of a school's EO changing shortly before an examination series, further highlight the need for accessible, readable and well disseminated JCQ documentation.

4. It is widely acknowledged that it is a difficult task for the opening sentence of ICE to be fulfilled:

   Heads of centre, senior leaders and examination officers must familiarise themselves with the entire contents of this booklet.

5. When all the other documentation is added to this demand, a monumental task is being set for staff in centres. Headteachers and senior leaders already have substantial amounts of non-examination-related guidance they must learn and apply. EOs are often quite new to their role. It is therefore incumbent on JCQ to make this information as accessible as possible if the system is to work well and the risk of malpractice is to be minimised.

6. In its survey of EOs, The Exams Office asked where EOs learn good practice. There were 871 responses to this question. JCQ documentation was the source most reported by EOs in helping them support their institutions in detecting and preventing malpractice. A large majority (1,291 out of 1,422) felt that current documentation is adequate, although it should be noted that the respondents were EOs rather than wider school-based or other stakeholders. Given this reliance on documentation, and particularly on JCQ documentation, it is essential that JCQ documentation and procedures are the best they can be.

7. Many respondents to the Commission's call for evidence also stated that malpractice guidelines in JCQ documentation should be improved, making them clearer, more consistent and more accessible.

REFORMS

8. There is recognition of this need within JCQ and its constituent AOs and work is currently taking place to improve and simplify the documentation. Plans are well-established to move to fully interactive electronic JCQ documentation for centres. The current plan is for a fully interactive electronic document to be available through the Centre Admin Portal (CAP), accessible to centres through any of the AOs' secure extranet sites.

9. This is a welcome move and it is **recommended** that the documentation should be rationalised, simplified and put onto the JCQ website in a way that enables centre staff to search easily for the information they require.

10. None of the current documents has an index, so that even experienced EOs have difficulty in finding the information for which they are searching. It is therefore **recommended** that all documents should be indexed.

11. Changes to documentation present a particular difficulty for centre staff. Changes are highlighted in each document and are up-to-date at the time of publication, but further changes are exceptionally made in-year and these can be hard to track unless users have come across them on the JCQ website. Respondents to the survey of EOs raised this issue. In-year changes present an increased risk of unintended malpractice, where centre staff may

not have noticed the introduction of a change in regulations, and such changes should be avoided unless absolutely necessary. It is **recommended** that process controls are put in place to prevent in-year changes wherever possible.

12. All changes need to be highlighted clearly in a user-friendly manner.

13. All documents should indicate where they are replacing other documents.

14. All documentation should be dated with the time of publication and of the most recent update (if an update has been made after the start of the academic year).

15. Each piece of information should indicate who needs to know it (e.g. for EOs, for SENCos, for the attention of senior staff and/or for all staff) and to which JCQ publication each change applies.

16. Deletions also need to be indicated more clearly. Any major deletions from the main publications are currently stated after the summary of the main changes: for example, in the 2018-19 ICE, which was subject to extensive change, the checklist for invigilators was removed. It would have been useful for centres to know this had disappeared, because it was being provided later as a separate Word document that *must* be issued to invigilators – there was no mention of *must* when it was included in the 2017-18 version.

17. Where there is scope for discretion for centres, this should be indicated more clearly. Centres often lack confidence to take discretionary actions themselves. Where there is no flexibility, this should also be made clear. There needs to be greater clarity over the terms 'must', 'must not', 'should', 'may', which determine the regulations that are subject to centre discretion.

18. There should be greater clarity in JCQ documentation about the intended audience. Learning from the Commission's student survey, it is clear that there is a degree of ignorance in the student population about JCQ regulations. This was reflected in the Commission's public call for evidence, with 25 per cent of respondents calling for improved guidelines for centre staff as well as students. It would therefore help if JCQ made clear where information, responsibility and accountability lie for each aspect of the process. Clear guidance should also be given on where

centres should undertake quality assurance, especially of storage.

19. Definitions need to be included for some common terminology in ICE: for example, 'centre supervision', i.e. when candidates are under centre supervision (outside the examination room) but not under formal examination conditions; 'formal examination conditions'; 'designated examination room'. Similarly, examples need to be given of some regulations, such as: the use of the examination room for mock/internal examinations; the role of the roving invigilator; 'contingency days' for examinations. This would ensure that specialist and non-specialist audiences alike can access JCQ documentation.

20. It would be helpful if the degree of importance of each part of JCQ documentation were highlighted.

21. Centre staff raise points of confusion and misunderstanding at training events and JCQ should build on its good connections with training organisations to create an information loop to trainers, so that feedback from events can be used to provide greater clarity over documentation and regulation changes. A set of FAQs and common misconceptions would be useful for staff in centres.

22. A witness from Ireland giving evidence to the Commission explained that invigilators in Ireland are not teachers at the school and that examination superintendents in each centre tend to be retired teachers, who are again not people working at the school. They receive both general and day-to-day instructions. The witness further noted that papers are not sent to the venue in advance, but instead to another school to which the teachers do not have access, or to a police station.

23. The JCQ Examination Services Committee is looking at the secure opening of packets and how this process can be made more secure. This work takes on particular importance in the light of the well-publicised breach of security with mathematics A-level papers in 2019. The Committee is also looking at further improvements, such as a welcome pack for new EOs.

24. It is **recommended** that, wherever possible, changes should be tested by users before being imposed on the whole system.

REQUIREMENTS FOR CENTRES TO HAVE POLICIES

25. One particular area, which has been drawn to the attention of the Commission by centre-based witnesses, is the requirement to have a large number of policies in place relating to different aspects of administering examinations. One witness provided the following list:

   . signed copy of the head of centre's declaration each year

   . complaints and appeals procedure for examinations

   . disability policy

   . emergency evacuation policy for examinations

   . examination contingency plan

   . GDPR policy

   . internal appeals procedure

   . non-examination assessment policy

   . procedure to verify the ID of all candidates at time of the examination

   . procedure for how the centre will deal with candidates' requests for post-examination access to scripts (ATS) and reviews of results

   . process to check the qualifications of centre assessors for access arrangements

   . word processor policy

In addition to the above compulsory polices, the following policies are regarded as good practice:

   . access arrangements policy

   . examinations archiving policy

   . examinations policy

   . lockdown policy for examination candidates

   . paper and scripts transfer policy

   . special consideration policy

26. The Commission noted that JCQ now provides a centre readiness checklist, with which centres can ensure that their examination policies and practice are compliant.[1] This list, which centres have to complete fully in order to receive papers from AOs, includes the requirement to have **written** policies on child protection and safeguarding, a complaints and appeals procedure, data protection, examination contingency, internal appeals, the management of GCSE and A-level non-examination assessments, and disability policy that complies with the Equality Act 2010.

27. The Commission noted that the JCQ Centre Inspection Service has adopted a policy in 2019 of not asking to see written centre policies unless an issue was detected during inspection. Once approved, centres should review and update their policies annually only as required by regulation updates.

28. Rather than using template policies, centres should consider using tools such as The Exams Office's self-assessment questionnaire which generates customised policies.

29. It is a large burden of work and responsibility to have only one person at a school or college being responsible for all policies. For example, in The Exams Office survey of school EOs, 85 per cent reported being the only EO at the centre. Centres should have a centralised structure for who is responsible for which policy, with senior leadership team support, and a centralised record of policies and amendments.

30. It is **recommended** that JCQ and AOs should review the demands on centres for these policies, with a view to reducing centre staff workload and rationalising the required information.

COMMUNICATIONS PLAN

31. It is **recommended** that JCQ should produce a new communications plan, considering how best to inform centres of changes to documentation at the time the changes are made.

32. It is **recommended** that, if this communications plan also covers the conveying of information about all JCQ activity, there should be a regular monthly e-newsletter to centres, itemising changes to documentation and other news. Centres receive newsletters from Ofqual and Ofsted, as well as regular communications from AOs. JCQ should seek to emulate this good practice.

33. In the research report on student views commissioned by the Commission, students were broadly aware of what did and did not constitute malpractice. There were notable exceptions to this, however. In The Exams Office's survey of EOs, several respondents expressed a wish for more guidance for students themselves, as noted in paragraph 18 above. The Commission **recommends** that JCQ should, therefore, consider producing more advice on avoiding malpractice, specifically targeted at students.

34. It is recognised by the Commission that the implementation of the recommendations in this section of the report may require the allocation of additional resources for JCQ or the re-allocation of current resources.

35. The Commission hopes that individual AOs will reflect on the recommendations in this section of the report and review their own processes in the light of these.

Recommendations

1. **Documentation should be rationalised, simplified and put onto the JCQ website in a way that enables centre staff to search easily for the information they require.**

2. **All documents should be indexed.**

3. **In-year changes to documentation are rare, but should be avoided unless absolutely necessary. Process controls should be put in place to prevent them wherever possible.**

4. **All changes, including deletions, should be highlighted clearly in a user-friendly manner.**

5. **All documents should indicate where they are replacing other documents.**

6. **All documentation should be dated with the time of publication and the most recent update (if an update has been made after the start of the academic year).**

7. **Each piece of information should indicate who needs to know it and to which standard JCQ publication it applies.**

8. **Where there is scope for discretion for centres, this should be indicated more clearly.**

9. **Definitions and examples should be included for some common terminology in ICE.**

10. **There should be greater clarity in JCQ documentation about the intended audience for each aspect of the examination process.**

11. **The degree of importance of each part of JCQ documentation should be highlighted.**

12. **JCQ should create an information feedback loop to trainers.**

13. **Wherever possible, changes should be tested by users before being imposed on the whole system.**

14. **JCQ and AOs should review the demands on centres for policies, with a view to reducing centre staff workload and rationalising the required information.**

15. **JCQ should produce a new communications plan, considering how best to inform centres of changes to documentation at the time the changes are made, preferably well before the start of an examination series.**

16. **There should be a regular JCQ monthly e-newsletter to centres, itemising changes to documentation and other news.**

17. **JCQ should consider producing more advice on avoiding malpractice, specifically targeted at students.**

18. **In the light of the recommendations in this section of the report, the JCQ Board should consider whether JCQ requires the allocation of additional resources or the re-allocation of current resources.**

19. **Individual AOs should reflect on the recommendations in this section of the report and review their own processes in the light of these.**

References

1   https://www.jcq.org.uk/exams-office/general-regulations/are-you-ready-checklist. *The word 'written' is in bold in each of these requirements.*

11

Examinations Officers: a critical role in a successful system

1. Examinations Officers (EOs) have a critical role to play in reducing malpractice in centres.

2. The role of EOs has increased in recent years because of workforce reform in 2003 and subsequent changes in government policy on qualifications, which led to linear examinations becoming modular and subsequently changing back to linear; the Diploma being introduced and then scrapped; a large increase in the number of examinations taken; schools having greater autonomy and then many schools becoming part of multi-academy trusts; and the government support programme for EOs in England being stopped in 2011.

3. The system works well if there are efficient and effective examinations officers working in every centre. A well-trained examinations officer, who can be retained for a considerable period by a centre, is an important part of a successful system.

4. This aim will be attained through the following objectives:

   a. EOs are well supported by the JCQ, AOs and centres

   b. EOs have sufficiently high status in centres

   c. The pay and conditions of EOs should be sufficient to recruit well

   d. EOs should have good facilities to carry out their role

   e. The job descriptions of EOs should reflect the role accurately

   f. Centres should have succession plans in place for EOs

SUPPORT

5. The Commission has recommended a number of reforms to JCQ documentation in section 10 of this report, which will be essential in ensuring that EOs feel well supported.

6. In centres, it is important that the EO is actively supported by a senior leader, who may well be the line manager of the EO. This senior leader should preferably be an experienced teacher with a good knowledge of the examination system and the regulations that the centre has to follow.

7. The Commission has set out in section 10 how JCQ documentation could be clearer. This is particularly important as, in the survey of EOs undertaken by The Exams Office (TEO[1]), JCQ was by far the most common source of documentation used by EOs to prevent malpractice. The full survey results are available in Appendix 4.

8. Because of the high turnover of EOs, there are many new EOs every year and they need extra support. This was raised with the Commission by several of those who gave evidence. TEO's most recent survey of EOs found that 45 per cent had been in the role for three years or fewer.

9. Training and updates are provided extensively by TEO, and also by AOs and other sources of training and support, but EO training is not regulated. Training is provided for EOs in Scotland by SQA, in Wales by WJEC and in Northern Ireland by CCEA. Ofqual provides helpful tools such as videos, checklists and blog entries for EOs.[2]

10. EOs attending TEO training events seek support on matters of fine detail about the working of the system. Training is vital for the efficient working of the system, but it is not subject to any form of external quality assurance. This is a commercial market and thus poor-quality training ought to wither away if EO customers do not use it. However, many new EOs would not have the knowledge to gauge the quality of the training and there would be a stronger guarantee of high-quality provision if there were to be some form of external quality assurance. The Commission **recommends** JCQ provide this Training Quality Mark.

11. TEO also provides training for invigilators and for senior staff who are heads of centre or are acting as EO line managers. Training for invigilators is important, as there have been reports of students sometimes finding them a distraction during examinations. This was raised as an issue by 45 respondents to the examinations officer survey.

12. Access to support will be greatly improved by having JCQ regulations on an interactive website, where EOs can search for the advice they need more easily, instead of trawling through several different documents.

13. Some centres use their mock examinations as an opportunity to test their procedures, coach their EOs and ensure that EOs inform colleagues of

what is expected. This is good practice and is to be encouraged.

14. EO knowledge of the system would be improved by a feedback loop of lessons learned from the previous year's qualification season. Rather like examiners' reports, practitioners could learn from this annual retrospective publication, the data for which could be collected by AOs and published by JCQ.

STATUS

15. The EO role is classified as 'administrative' in most institutions.

16. EOs should have a sufficiently high status in their institution for them to have the necessary authority to ensure that staff and students meet all the requirements placed on the centre. This status may be derived from the status of the EO's line manager, provided that the line manager is giving the EO active support at critical times.

17. Status can also be acquired through the respect earned by doing a consistently good job and through the expertise derived from knowledge of the system and its frequent changes. Nonetheless, it can be difficult for EOs to acquire a sufficiently high status when they may wrongly be seen as lowly members of the administrative staff. Seventeen per cent of respondents to the EO survey reported that they felt they did not have sufficient status within their institutions.

18. Currently, there is no diploma or certificate in EO responsibilities available to EOs. Below is a table of responses from TEO's survey of EOs, detailing the training options they report as supporting their role as EO:[3]

Responses from survey of examinations officers

Training option	Number of responses
Relevant diploma or certificate	0
Training offered by The Exams Office	806
Training offered by awarding organisations	799
Training offered by other relevant training providers	421
Self-study of The Exams Office, Ofqual and JCQ documents	935
No external training	0

19. EO status and skills are enhanced by the knowledge gained from high-quality training. The Commission **recommends** this be further improved by the availability of a recommended, but non-mandatory, professional qualification, approved by AOs through the JCQ and **recommends** that JCQ, in consultation with the EO community, should consider establishing a training and qualification framework for EOs.

PAY AND CONDITIONS

20. It is important for centres to retain EOs and pay is one part of this retention. The typical salary level of a full-time EO is £23,000 pa. This may be reduced by a term-time only contract.

21. Pay comparisons are difficult because more than half of EOs (52 per cent in 2017) have another role, such as data manager or cover supervisor, in the same employing school or college. A small percentage of EOs are serving teachers, with this percentage increasing because of school and college funding issues. In this context, it is worth noting that initial teacher training does not include content related to examinations practice. The Commission **recommends** that initial teacher training courses should include material on good practice in the conduct of examinations.

22. There is no national pay scale and salaries are dependent, to a certain extent, on local pay levels, with salaries currently higher in the south than in the north. Because of this regional variation, the different levels of responsibility of EOs and funding constraints in schools and colleges, the Commission cannot recommend a particular salary level for EOs. It is clear, however, that pay has to be linked to the need for retention.

23. In 2017, a TEO survey of 1206 EOs found the following EO salary levels:

. 7 per cent earn less than £14,999

. 21 per cent earn £15,000 to £19,999

. 33 per cent earn £20,000 to £24,999

. 19 per cent earn £25,000 to £29,999

. 8 per cent earn £30,000 to £34,999

. 5 per cent earn over £35,000

The higher-end salaries include teaching EOs, who comprised 6 per cent of EOs in 2017.

24. Given the large budget that centres set aside for examination entries, it is noteworthy that often so little of it is spent on ensuring that EOs are high-status and well-trained, given their key role in ensuring that examinations run smoothly and compliantly.

25. Of the EOs surveyed by TEO, 85 per cent reported being the sole EO at their centre. Only 15 per cent reported having the support of one or more colleagues who also serve as an EO.

26. Annual appraisal is a legitimate expectation for those in a professional role, yet 17 per cent of the 1206 EOs in the 2017 TEO survey do not have an annual appraisal. Annual appraisal should be linked to suitable training opportunities.

27. It should be noted that the system differs in Scotland and Northern Ireland. SQA and CCEA pay for and train invigilators for each examination centre.

FACILITIES

28. The JCQ ICE booklet describes the required level of facilities for EOs to work effectively and within the regulations for storage security. It also describes the required adequate accommodation for examinations and access arrangements.

JOB DESCRIPTION

29. Examples of EO and invigilator job descriptions can be found on TEO's website.[4]

SUCCESSION PLANNING

30. As stated in paragraph 8 above, there is a high turnover of EOs each year, so turnover is clearly a major negative factor in the system.

31. EO contracts normally state one month's notice on either side. This can cause problems for centres when an EO resigns at, or just before, a busy time of year, not least because it takes considerable time for new EOs to familiarise themselves with all the regulations and procedures. Apart from JCQ and TEO resources, which can be downloaded from their websites, there is no contingency resource to support a temporary or new EO in England, although this exists in Wales and Northern Ireland. The new EO may also need to recruit extra invigilators, which can be time-consuming in the busy period leading up to the examination season.

32. The Commission **recommends** that heads of centre should ensure that their centre has contingency plans in place for emergencies such as their EO resigning or being otherwise absent. This is already a requirement, but is often not in existence.

Recommendations

1. **In all centres, the EO should be line-managed and actively supported by a senior member of staff with good knowledge of the examinations system.**

2. **EO training should be subject to a Quality Mark system, run by JCQ.**

3. **There should be a recommended, but non-mandatory, professional qualification for EOs, approved by AOs through JCQ. The JCQ, in consultation with the EO community, should consider establishing a training and qualification framework for EOs.**

4. **Initial teacher training courses should include material on good practice in the conduct of examinations.**

5. **JCQ should produce a retrospective report on the administration of each examination season, so that EOs can learn from this experience.**

6. **JCQ regulations should be on an easily searchable interactive website, as well as in paper booklets.**

7. **Centres should provide EOs with annual appraisals, linked to suitable training opportunities.**

8. **Heads of centre should ensure that their centre has contingency plans in place for emergencies such as their EO resigning or being otherwise absent.**

References

1   The Exams Office is an organisation which supports EOs and other in-centre staff who deal with examinations. Founded in 2014, 3,500 centres (about half of all centres) are currently members. https://www.theexamsoffice.org/ EOs are also represented by the International Examinations Officers' Association (founded in 2000), the membership of which is unknown, which advertises on its website training for EOs provided by St Mary's University, Twickenham. https://www.examofficers.org.uk/

2   https://ofqual.blog.gov.uk/2019/03/28/helping-exams-officers-to-run-a-successful-summer-examseries/

3   See Appendix 4.

4   https://www.theexamsoffice.org/job-descriptions/

12

Prevention, detection and investigation of malpractice

1. The prevention of malpractice should be a central aim of all stakeholders in the examination system and the Commission hopes that the recommendations throughout this report will help to prevent malpractice. We have recommended a single clear definition of malpractice; an ethical climate in all centres with strong emphasis on prevention; heads of centre who are clear about their responsibilities; improved communications across the system so that staff and students are clear about what constitutes malpractice and which sanctions may be applied to those who commit malpractice; and well-qualified high-status examinations officers who know the system in detail and can prevent both deliberate and accidental malpractice in their centres. In particular, clear communications within centres concerning the use of mobile phones and social media could greatly reduce the main forms of candidate malpractice.

THE WORK OF AO MALPRACTICE TEAMS – SOCIAL MEDIA

2. As discussed in section 8 of this report, social media are used not only as a medium for malpractice but also as a tool for detecting it.

3. AOs also utilise social media as a customer services channel to engage with teachers, students and parents/carers, and as a marketing tool to encourage teachers to choose their specifications. These customer services teams monitor social media and support the AOs' malpractice teams, particularly during an examination series.

4. Some AOs also employ third-party organisations to monitor the dark web for any attempts to sell examinations papers away from the open internet.

5. In addition to identifying malpractice, AOs use social media to prevent malpractice and to mitigate its adverse effects. This includes reactive monitoring: if a centre reports a potential paper breach, AOs monitor social media to see whether this has been contained within the centre. It also includes proactive monitoring of social media, particularly during certain assessment windows.

6. The monitoring of social media can be of real value to an AO when a leak occurs. In 2019, two mathematics A-level questions were circulating on Twitter and, using these images, the AO was able to identify centres from which the leak could have occurred.

7. Social media monitoring is heightened on examination days. Both manual and dashboard-based monitoring are used to detect whether candidates have left an examination early, whether any allegations of malpractice have been made, or if the security of a paper has been breached before an examination has started.

8. AOs use the public information on the relevant profile – such as the user's name, location and photograph – to identify a candidate and his/her centre, and then contact the centre to confirm the identity and open an investigation where necessary.

THE WORK OF AO MALPRACTICE TEAMS – PAPER-BASED BREACHES

9. In the event of a paper-based security breach at a centre, the protocol is that the centre must immediately contact the AO, even if the breach is seemingly minor. This is to prevent centres from 'taking control' of the situation and failing to gather the correct information for any future potential investigation. It also ensures that the same procedure is followed in different centres.

10. One AO provided the Commission with the following list of information it seeks from a centre in the event of a paper-based breach:

    a. whether papers were removed from the packet

    b. whether papers were removed from the secure room

    c. whether papers were placed on candidates' desks

    d. whether candidates had access to the papers

    e. whether candidates started the examination

    f. whether candidates completed the examination and, if so, whether they have left secure conditions

    g. whether confidentiality declarations have been obtained

    This information is then used by the AO to evaluate the level of risk to the integrity of the examination.

11. The reliance on the centre to conduct an investigation creates an imperative for the centre's investigation process to be sufficiently robust and equitable to provide evidence not only for the AO, but also for any subsequent disciplinary process within the centre.

12. Sanctions passed down to the centre from an AO place pressures on the centre, as an employer, to act against the person(s) committing the malpractice, particularly if their actions bring the centre into disrepute.

13. One of the people who gave evidence to the Commission suggested that training on the conduct of investigations should be provided in advance for examination-related staff in centres. Current practice is that AOs provide guidance to heads of centre on a one-to-one basis as an investigation is unfolding. Nonetheless, centres do not always feel confident about undertaking investigations and may be concerned about their involvement in a process that has considerable reputational risk for their institution. Given the lack of training and potential conflicts of interest, the Commission considers that there is merit in the JCQ Malpractice Committee discussing the proposal that centres should be required to provide evidence to support the AO's investigation, rather than being required to carry out the investigation itself.

14. If only the first of the criteria in paragraph 10 above has been breached, it may be treated as an accidental opening and dealt with by a different member of staff at the centre. In all other instances, an investigation will be launched. The AO seeks information by telephone and, where appropriate, confidentiality declarations are sought. An investigation letter follows, with the expectation that additional evidence will be submitted to the AO as quickly as possible.

15. The penalties that result from each type of breach are detailed in section 13 of this report.

16. One AO senior staff member who gave evidence to the Commission emphasised that AOs co-operate with each other on instances of malpractice, through weekly telephone calls and observations of one another's practice, while being mindful of GDPR and competition rules.

17. In Scotland, the system is different. This is not least due to SQA's dual role as both AO and regulator. A separate group executes the first investigation into malpractice and, if any is found, this is reported to the centre and to the local authority. Each of Scotland's 32 local authorities has its own procedures for dealing with reports of malpractice. Either the SQA or the local authority may refer the case to GTC Scotland, which conducts a preliminary investigation. Examination malpractice cases normally bypass this stage and go straight on to the second stage, which is an investigation conducted by a panel of two registered teachers and a lay person, which decides whether the case should go to a 'fitness to teach' hearing before a fully independent panel.

18. The basis of the cases in Scotland is to be found in the GTCS standards for registration and code of professionalism and conduct, which state that teachers 'must uphold standards of personal and professional conduct, honesty and integrity so that the public have confidence in you as a teacher and teaching as a profession'.[1]

19. In Northern Ireland, responsibility for malpractice by a teacher lies with the school principal and governing bodies. Allegations of malpractice tend to be dealt with by a governing body sub-committee, as agreed by trade unions and employers.

20. The system in Wales is similar to that in England.

RAISING CONCERNS

21. In centres where there is a strong ethical approach to the conduct of examinations, reporting malpractice is encouraged, both among staff and students. This could be an informal discussion about practices within a learning culture. However, if any malpractice is seen, it is a matter of course that it should be reported to a senior person in the centre.

22. If the person raising the issue of malpractice is a worker, it should be considered as whistleblowing. This can include agency staff or contractors. A whistleblower is a person who reports an actual or potential wrongdoing and is protected by the Public Information Disclosure Act 1998, providing they are acting in the public interest.

23. The Commission **recommends** that centres should have a whistleblowing policy which:

    a. encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals

    b. identifies how to report concerns

    c. explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes

    d. provides details of relevant bodies to whom concerns about wrongdoing can be reported, including awarding organisations and regulators

    e. includes a commitment to do everything reasonable to protect the reporter's identity, if requested

    f. sets out how those raising concerns will be supported.

24. It is likely that, in most cases, reports would be made to the head of centre; however, there may be times when it is more appropriate to refer direct to the governing board, most often when the allegation is against the head of centre.

25. It is acknowledged that, in some circumstances, people might find it difficult to raise concerns with centre leaders. If a concern is raised anonymously, the employer may not be able to take the issue further if insufficient information has been provided. A whistleblower can give his/her name, but request confidentiality; the person receiving the information should make every effort to protect the identity of the whistleblower. In schools and colleges, some unions have argued that allegations should be able to be disclosed to a union representative, who could then be required to report the concern without disclosing its source. Alternatively, whistleblowers or others with concerns about potential malpractice can report the matter direct to Ofqual, which is identified in the Public Information Disclosure Act 1998 as a 'prescribed body'.[2] AOs are not prescribed bodies under the whistleblowing legislation; however, AO investigation teams do give those reporting concerns the opportunity for anonymity.

26. The Commission learned about the way in which doping was dealt with at the London Olympics in 2012, with all members of staff at every level being told clearly that they had a duty to report anything they regarded as a possible indication that doping had taken place. The ethical culture that underpinned this *modus operandi* at the Olympics parallels the approach advocated throughout this report, with (as one witness to the Commission put it) all staff feeling that they have a responsibility for reporting malpractice when they see it.

27. One witness who gave evidence to the Commission spoke about the Freedom to Speak Up scheme in the NHS. All NHS trusts must have a Freedom to Speak Up Guardian, who safeguards and promotes a culture in which colleagues speak up whenever they have concerns about the conduct of others. The scheme helps vulnerable groups in particular feel more able to speak up, and increases public confidence in the system.

28. In evidence to the Commission, one witness reported that there can be a stigma attached to reporting malpractice in one's own centre. Indeed, in the year running up to this report, two EO whistleblowers alleged that they had been threatened with dismissal by senior staff, which would contravene the legal protection afforded to whistleblowers.

29. The BBC reported the case of two teachers – husband and wife – who gave evidence to the All-Party Parliamentary Group for Whistleblowing, which issued a report in July 2019.[3] The teachers were sacked from a boarding school for exposing 'systematic exam malpractice', such as teachers completing coursework for students and allowing candidates to work past the end of their examination time, and the teachers had to sign a non-disclosure agreement at the time of their dismissal. It is the view of the Commission that whistleblowing should be encouraged, not penalised, by examination centres and that staff should feel they have a duty to report any concerns they have about the conduct of examinations.

30. During Commission meetings the safety of students who report concerns about malpractice was also raised. It was noted that 'children have a strong sense of fairness' and the importance was emphasised of young people feeling comfortable discussing malpractice issues of which they are aware.

31. The Commission **recommends** that heads of centre and governing boards should create and maintain an approach to examinations that reflects an ethical culture and encourages staff and students to be aware of and report practices that could compromise that culture.

32. More than one person who gave evidence to the Commission wrote about the need to emphasise prevention of malpractice and to solve problems early. It would be advisable, therefore, for students who are undertaking, or who are about to undertake, their courses of study to be informed not only about the regulations surrounding their assessments, but about academic integrity more broadly.

33. The Commission was pleased to learn that the ethics committee of the Chartered College of Teaching, which is working to embed the Framework of Ethical Leadership in Schools, has a working group looking at the role of whistleblowing. Examination malpractice is included in this study.

34. Of the 1,471 EOs who responded to TEO's survey, 960 felt that more could be done across the whole system to prevent malpractice. 980 agreed, however, that the culture and procedures at their centre helped to prevent malpractice.

THE CENTRE INSPECTION SERVICE (CIS)

35. JCQ operates a Centre Inspection Service in England, which ensures that centres have in place the correct procedures and protocols to prevent and detect malpractice. An inspection service is operated by WJEC in Wales and CCEA in Northern Ireland.

36. In 2018, in England and 12 overseas territories, the CIS undertook:

    a. 6264 inspections carried out in 5597 centres

    b. 654 AA inspections

    c. recruitment and training of 125 inspectors.

37. There are currently seven types of inspection carried out by the CIS:

    a. centre-level general inspections, evaluating compliance with regulations

    b. pre-registration inspection of new centres, looking at compliance and fitness for purpose, after which AOs decide whether to register the centre

    c. advisory visits, paid for by the centre, to look at examination arrangements in the centre

    d. inspections of access arrangements

    e. modern foreign languages visits to look at arrangements for oral language assessments; these visits are to be stopped

    f. assurance inspections of practicals and controlled assessments; these visits are to be stopped

    g. overseas territories inspections, covering all aspects, including AA.

38. The JCQ Examination Service Committee Working Group proposed the adoption of a more risk-based approach to inspection, enabling the targeting of CIS resources to the areas of examination delivery within centres identified as representing greater system risk (e.g. question paper security, number of AA requests).

39. The CIS is currently reforming the types of inspection it undertakes. There will be two new types of inspection:

    a. readiness inspections: half a day at a centre, auditing everything in the examination process

    b. question paper integrity inspections: unannounced visits, counting the examination papers being stored, reporting numbers to AOs, enabling them to check in real time whether these are correct.

40. It is intended that existing general inspections will be redeveloped to provide greater focus on key areas of system risk; in particular, the chain of custody of secure materials from receipt to the examination room. General inspections will thus be less of a tick-box exercise. A small number of respondents to the Commission's public call for evidence suggested that JCQ inspections should be more thorough, with more of a focus on the head of centre rather than the EO.

41. The new inspection approaches were piloted from November 2018, with full adoption anticipated from the commencement of the 2020 examinations series.

42. Despite being unannounced, current inspection arrangements are predictable and well understood by centre staff. Under the new arrangements, CIS visits will be less predictable. There will be greater emphasis on question paper security.

43. There is a wider issue with CIS inspections here, which can best be seen in the light of the Ofsted inspection of outstanding schools. In the period from September 2018 to March 2019, 305 schools, which had been given an 'outstanding' judgement in their previous Ofsted inspection, were inspected and only 16 per cent retained their 'outstanding' rating[4], calling into question the policy of exempting 'outstanding' schools from inspection. The Commission **recommends** that the JCQ Board should reflect on the extent of the reach of its Centre Inspection Service, and consider whether the scope of onsite CIS work should be broadened to include a robust end-to-end evaluation of the fitness of centres to deliver examinations and assessments ethically and without malpractice.

44. Where the CIS finds that a centre is failing in some aspects of the process, it should have a range of sanctions at its disposal, from a warning and subsequent re-inspection, to the loss of accreditation as a centre until the failings have been corrected. The nuclear option of loss of accreditation would need to be used only rarely, if cases were well-publicised, in order to discourage other centres from actions that would put them at similar risk.

45. In order to help other centres avoid malpractice, the details of these CIS cases and sanctions should be included in the JCQ annual report on malpractice, which we recommended in section 6.

CENTRE APPROVAL

46. Key to the prevention of malpractice is the approval of centres providing examinations. The pre-registration visits from the CIS cover compliance and fitness for purpose and are followed by an approval process by the AO. These pre-registration checks should include the assessment history and experience of the centre, company records, names and experience of directors, and other issues that might shed light on potential for malpractice.

47. At the AO stage of this process, there is a potential conflict of interest, with non-approval meaning the loss to the AO of a considerable amount of potential income.

48. The Commission **recommends** that the AOs in membership of JCQ and the Federation of Awarding Bodies (FAB) work together to review the centre approval process to ensure that it is sufficiently rigorous and that potential conflicts of interest are minimised.

VOCATIONAL AND TECHNICAL QUALIFICATIONS (VTQS)

49. The malpractice investigation process is the same across both GQs and VTQs, as are the sanctions involved. The JCQ malpractice tariff grid, which is used as a common frame of reference across JCQ member AOs, covers vocational as well as general qualifications. The inspection regimes differ and the verification model for vocational qualifications is unique, but otherwise, suspected malpractice is managed in much the same way.

50. The JCQ CIS currently only inspects centres for the general qualifications they offer. While many of these centres offer vocational qualifications alongside the general ones, the CIS is not currently configured to inspect centre assessment of vocational qualifications.

51. JCQ is considering the option of expanding the CIS remit beyond GQs into the vocational space as a way to allow AOs to monitor the delivery of T-levels.[5] The CIS's new risk-based approach to centre inspection may allow for a different approach to inspecting the assessment of GQs and VTQs.

52. Some JCQ member AOs, including City & Guilds, do not currently use the inspection service from JCQ as it covers GQs only. When a large proportion of examinations are on-demand, it is difficult to arrange short-notice or unannounced inspections.

EXAMPLES FROM HIGHER EDUCATION

53. The Office of the Independent Adjudicator for Higher Education (OIA) publishes a good practice framework, which includes a section on academic disciplinary procedures.[6]

54. This framework distinguishes between plagiarism and poor academic practice, and emphasises questions of intent, the student's academic practice record and the proportionality of the response. Of particular interest to this report is the emphasis on explaining plagiarism to students:

> It is important to provide comprehensive education for all students on what constitutes plagiarism … Students receive a lot of information when they begin their higher education studies. It is good practice for providers to repeat academic misconduct training, and to reinforce messages about academic integrity at appropriate points throughout their programmes.

55. As discussed in section 8 of this report, the OIA guide also discusses detection software used to detect plagiarism. Such software is already utilised by many AOs.

56. While such a focus on plagiarism might be decreasingly relevant in England, due to the reduction in the amount of coursework which forms part of assessment, it is still important for students who undertake a lot of coursework, particularly in Scotland, Wales and Northern Ireland, and in qualifications where centre-based assessment plays a major part.

57. A QAA report on contract cheating[7] recommends:

a. that support for students should emphasise academic integrity, with early information given to students on the use of academic sources, paraphrasing and research

b. that staff should be kept up to date with academic regulations on assessment, and reminded of their responsibility to uphold academic standards and integrity

c. on prevention, that, in order to maximise 'authentic assessment', a mixture of assessment methods should be used wherever possible, with cheating opportunities limited by the design and review of assignments

d. that staff and students should be alert to 'essay mill' companies

e. that organisation-wide detection methods should be used, such as linguistic analysis tools to complement text-matching software, familiarity with students' styles and capabilities, and alertness for unexpected peaks in a student's assessment performance

f. that a strong commitment to academic integrity can be signalled through institutional values or mission statements, with clear avenues to report any suspicion of academic misconduct

g. that designated and specially trained academic conduct officers adjudicate on routine matters, with a panel – and an appeals panel – to deal with the most serious cases of academic misconduct

h. that statistics on cheating cases should be recorded in sufficient detail to allow effective analysis.

58. In a case study, the QAA report cites schools in Victoria, Australia, which are using plagiarism detection software to help to mark students' work and ensure that assignments are not copied from the internet. QAA quotes one company which states that schools and colleges in England are a fast-growing market for their detection software, with 130 schools and more than 200 colleges paying for the service. The company states that some teachers use their product as a training tool to prepare sixth-form students for university.

Recommendations

1. **Heads of centre and governing boards should create and maintain an approach to examinations that reflects an ethical culture and encourages staff and students to report their concerns.**

2. **Centres should have a clear and comprehensive whistleblowing policy which:**

   a. **encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals**

   b. **identifies how to report concerns**

   c. **explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes**

   d. **provides details of relevant bodies to whom concerns about wrongdoing can be reported, including awarding organisations and regulators**

   e. **includes a commitment to do everything reasonable to protect the reporter's identity, if requested**

   f. **sets out how those raising concerns will be supported.**

3. **Wherever possible and compliant with GDPR and competition law, AOs should work together when investigating potential malpractice, including at an earlier stage than when it becomes a JCQ investigation, where appropriate.**

4. **CIS should increase its capacity, so as also to be able to inspect VTQ assessment provision in centres.**

5. **The JCQ Board should reflect on the extent of the reach of its Centre Inspection Service and consider whether the scope of on-site CIS work should be broadened to include a robust end-to-end evaluation of the fitness of centres to deliver examinations and assessments ethically and without malpractice.**

6. **AOs in membership of JCQ and the Federation of Awarding Bodies (FAB) should work together to review the centre approval process to ensure that it is sufficiently rigorous and that potential conflicts of interest are minimised.**

References

1   http://www.gtcs.org.uk/web/FILES/the-standards/standards-for-registration-1212.pdf; http://www.gtcs.org.uk/web/FILES/teacher-regulation/copac-0412.pdf

2   Those with concerns can email whistleblowing@ofqual.gov.uk or telephone 0300 303 3344.

3   https://www.bbc.co.uk/news/uk-48984491

4   https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808378/State_funded_schools_inspections_and_outcomes_as_at_31_March_2019.pdf

5   T Levels are new two-year technical courses for September 2020, which will be equivalent to 3 A Levels. See https://www.gov.uk/government/publications/introduction-of-t-levels/introduction-of-tlevels

6   https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinaryprocedures/part-a-academic-disciplinary-procedures/

7   https://www.qaa.ac.uk/docs/qaa/quality-code/contracting-to-cheat-in-higher-education.pdf. 'Contract cheating' occurs when a student contracts a third party to provide answers, which they submit as their own. This is usually done by a company or individual using a website to promote themselves. These 'essay mills' can offer to supply more than just essays.

13

Sanctions for malpractice

1. Malpractice is rare. However, when malpractice has been suspected and investigated, and is found to have taken place, it is important that firm but fair sanctions are in place to deal with it.

2. Awarding organisations can determine sanctions against candidates, centre staff or centres. The sanctions issued by AOs are published annually by each nation's regulator, as detailed in section 4 of this report.

3. For centre malpractice, there is a range of sanctions available to the AO where the AO has concerns that a recognised or approved centre is not delivering qualifications in the way the AO would expect to see. These sanctions range from warnings to the removal of centre approval.

4. It is essential that sanctions are proportionate and are consistent among AOs when the facts of the malpractice case are the same. In order to promote consistency between AOs, JCQ documentation sets out a tariff of typical penalties for candidates and centres committing different forms of malpractice.[1] An abridged version of this tariff is included at the end of this section.

5. AOs working together through the JCQ Malpractice Group have also been developing a tariff of staff offences and penalties, which is nearly complete. As with the tariff for candidate malpractice, its aim is to provide a common framework for all AOs to follow.

6. There are different sanctions available according to the type of malpractice being considered, which may be applied individually or in combination. This is set out in detail in the JCQ guidance under the following headings:

a. Sanctions for centre staff malpractice – individuals:

. written warning

. training

. special conditions

. suspension

b. Sanctions for centre staff malpractice – centres:

. written warning

. review and report (action plans)

. approval of specific assessment tasks

. additional monitoring or inspection

. removal of Direct Claims status

. restrictions on examination and assessment materials

. independent invigilators

. suspension of candidate registrations or entries

. suspension of certification

. withdrawal of approval for a specific qualification(s)

. withdrawal of centre recognition

c. Sanctions and penalties applied against candidates

. warning

. loss of all marks for a section

. loss of all marks for a component

. loss of all marks for a unit

. disqualification from a unit

. disqualification from all units in one or more qualifications

. disqualification from a whole qualification

. disqualification from all qualifications taken| in that series

. candidate debarral

7. The JCQ tariff dealing with staff malpractice cases sets out in a grid format the appropriate actions to be taken in response to each type of offence. This list is indicative rather than exhaustive, and includes:

. improper assistance

. maladministration

. deception

. security breach

. failure to cooperate or report issues

8. Some of those giving evidence to the Commission expressed the view that the available penalties seem relatively small in proportion to the examples of malpractice being committed. However, 61 per cent of respondents to the survey of examination officers were of the view that the current sanctions for students acted as a sufficient deterrent, with 48 per cent suggesting similar for staff. This was

reinforced by 69 per cent of respondents who were of the view that the culture and procedures of their own institution acted to prevent instances of malpractice. The Commission **considers** that the existing range and level of sanctions are appropriate.

9. There is no law against selling an examination paper in England (whether a real 'live' exam paper or a fake one). Currently, this is pursued as potential fraud and/or theft in cases where the police believe that the evidence is strong enough for prosecution. The Commission **considers** that this is the correct way to deal with the most serious cases, involving fraud and theft.

10. In Northern Ireland, teaching to the 'live' examination paper is a criminal offence. There have been no legal precedents, however, so the penalty for this is unknown.

11. The publication of cases of malpractice by staff and centres and the sanctions that have been applied could act as a preventative measure. The Commission believes that principles of openness should apply to the public disclosure of cases when they have been resolved. A public interest test should be applied when considering publication. However, AOs and JCQ are mindful of the General Data Protection Regulation (GDPR) concerning the publication of data on individuals and the Commission **recommends** that JCQ, on behalf of its member AOs, seeks legal advice on the publication of details concerning cases of malpractice and their resulting sanctions.

DIFFERENT CATEGORIES OF SANCTION

12. There is an important distinction to be made between sanctions for examination malpractice imposed by AOs and sanctions imposed by an employer on an employee for misconduct. Where there is malpractice by a member of staff in a centre, it is the role of the AO to determine an appropriate sanction relating to the conduct of examinations and assessment in the centre. Thereafter, the member of staff may be sanctioned by his/her employer and, in the case of qualified teachers, the name of the offender and a description of the offence may be passed to the appropriate national regulatory authority for teacher misconduct. [2]

PROPORTIONALITY AND CONTEXT

13. There is an ongoing discussion between Ofqual and AOs on proportionality in applying sanctions in England. While agreeing that each case should be considered on its merits, AOs do not consider that there is an obligation on them, in arriving at those decisions, necessarily to take into account the consequential effects of any sanctions on individuals, although they may well feel it is appropriate to do so. In all cases, a fair judgement requires that context is taken into account, although how this is done will vary on a case-by-case basis. AOs should consider the likely outcome of any legal challenge, should they decide not to consider proportionality in relation to the facts of the case.

14. The Commission has also discussed with the DfE and the Teacher Regulation Agency (TRA) the scope of the TRA's power to act in teacher malpractice cases. The TRA acknowledges that it has only one available sanction – whether or not to debar a teacher for life – although it is open to the TRA to allow a review of the decision after a set period. We asked the TRA specifically about taking context into account in its judgements, given the report in the *Times Educational Supplement* that a teacher committing the serious offence of doing a coursework assessment for a pupil was not prohibited from teaching because he was a good teacher of a shortage subject.[3] The TRA told the Commission that, while mitigating factors are taken into account, the non-prohibition verdict would not have been made solely on the grounds of shortage subject. The full judgement of this case is in the public domain.[4]

15. There is some concern about when and why the TRA decides whether or not to debar a teacher. While there are recent examples of teachers who have been found to have committed malpractice who have not been prohibited from teaching, there are other instances where they have been prohibited.[5]

16. The Commission learned from GTC Scotland that factors such as the health of the registered teacher or the subject s/he teaches are not taken into account by the independent panel of the GTCS in judgements made about appropriate sanctions on teachers committing misconduct.

17. The GTCS independent panel has four possible verdicts open to it in deciding on teacher misconduct cases:

    a. allegation not proved and no further action taken

    b. reprimand, which goes on the teacher's GTCS record

    c. conditional registration order, subject to the teacher taking certain actions, e.g. training

    d. removal from the GTCS register, normally for a minimum of two years, but possibly permanent.

18. The Commission welcomes JCQ's work to standardise malpractice sanctions. During the writing of this report, Ofqual wrote to AOs after it had been reported that two AOs had acted differently in a case of malpractice. There are also examples of sanctions being applied differently not just between AOs, but also from one investigation panel to another.

19. Concerns were raised by those giving evidence to the Commission about differences between JCQ regulations and Ofqual regulations concerning the extent to which proportionality should be taken into account when considering sanctions. Qualifications Wales has not issued guidance about whether context should be taken into account when issuing sanctions.

20. One of those giving evidence to the Commission raised the inconsistency of when cases are referred to the TRA. Again, things differ in Wales, where cases may be referred to the EWC after a malpractice investigation has concluded, and the EWC may investigate on its own initiative.

21. The introduction of not just a common sanctions tariff, but also a common timescale between AOs, was raised in evidence to the Commission as a desirable addition to regulations.

22. The Commission **recommends** that regulators, JCQ and AOs should work to create greater consistency in ensuring that any action is proportionate to the gravity and scope of the malpractice when issuing sanctions, and clarify how this is to be done in a fair and equitable manner.

PERCEPTIONS OF SANCTIONS

23. The Commission's survey of student views revealed differences between what students thought would be the sanction for a given example of malpractice and what the sanction is.

24. Students' views of the type of sanction they could expect to face for a given offence were consistently more lenient than the actual sanction. For example, JCQ's current guidelines state that if a student is found to have a mobile phone in his/her possession in an examination hall without the intention of using it, the correct sanction is loss of marks for a section or whole unit of the qualification. While 33 per cent correctly identified this as the sanction, 56 per cent thought that the punishment would be the more lenient options of a warning or no sanction at all. Nine per cent chose the most extreme sanction: a ban from all future assessments.

COMMUNICATIONS

25. One preventative method, raised in evidence to the Commission, was increasing the publicity and communications around possible sanctions for candidates, perhaps through the use of videos. This is particularly important, in light of the mismatch between the sanctions which apply to different forms of malpractice and candidates' expectations of sanction they would receive for a given form of malpractice. The survey undertaken for the Commission which explores this mismatch can be found in Appendix 5. This communications strategy should also emphasise the need for integrity and the broader ethical context in which candidates should conduct themselves.

26. Sanctions are only effective as a preventative measure if people know what they are. The Commission therefore **recommends** that JCQ should consider how its communications strategy can help to spread the message about the serious consequences of malpractice for students and staff, within the wider context of its message about the need for integrity.

EXAMPLES FROM HIGHER EDUCATION

27. As discussed in the previous chapter, OIA publishes a good practice framework, which includes a section on academic disciplinary procedures.[6]

28. The OIA good practice framework provides a number of case studies. One discusses a student in his first term who has written an essay which 'contains a small section of text that is quoted directly from the coursework materials' which has 'not been separated from the other text'. After discussing it, however, the tutor establishes that the student simply does not know how to reference properly and so directs the student towards some guidance. The tutor makes a note of the conversation so it can be taken into account if the issue occurs again.

29. Another case study involves a third-year international student whose visa will run out at the end of the year. The student is guilty of malpractice, and the usual penalty would be to receive a zero mark and not be allowed to resit the examination for a whole year. As a zero mark would result in this example in the student failing to graduate, and as they will not be in the country to retake the examination in a year's time, it was decided to allow the student to retake the examination in the same year.

30. These cases illustrate the importance of proportionality when deciding on the penalty a student should receive for malpractice.

VOCATIONAL AND TECHNICAL QUALIFICATIONS

31. While JCQ guidance is predominantly used for investigating and penalising malpractice in GQs, there is considerable overlap with that for VTQs. The categories and range of penalties issued by City & Guilds[7] are very similar, for example.

32. As with GQ malpractice, VTQ malpractice penalties can be issued to candidates, staff or centres.
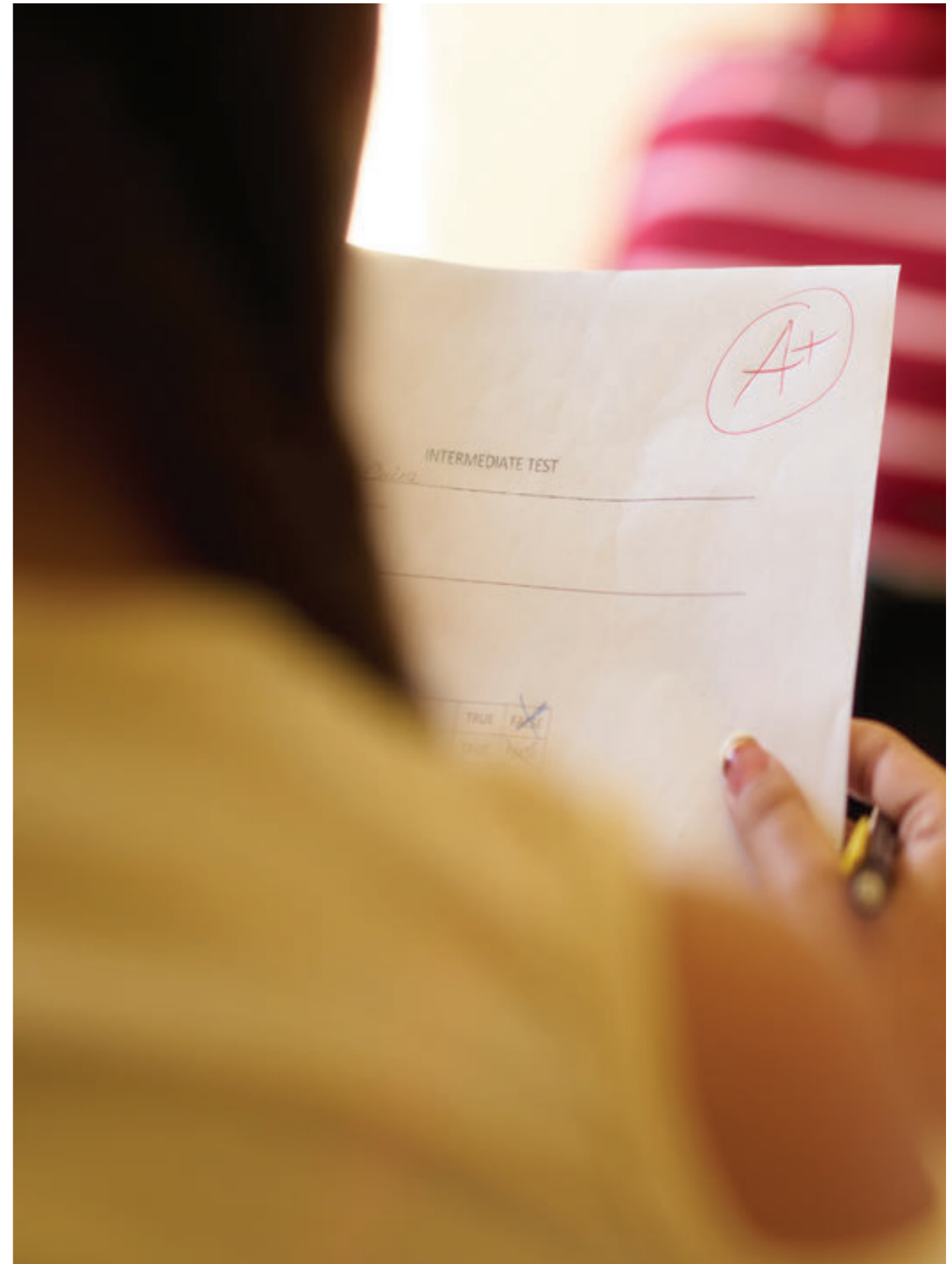
Recommendations

1. The existing range and level of sanctions are appropriate.

2. JCQ, on behalf of its member AOs, should seek legal advice on the publication of details concerning cases of malpractice and their resulting sanctions.

3. Regulators, JCQ and AOs should work to create greater consistency in ensuring that any action is proportionate to the gravity and scope of the malpractice when issuing sanctions and clarify how this is to be done in a fair and equitable manner.

4. JCQ should consider how its communications strategy can help to spread the message about the serious consequences of malpractice for students and staff in the context of the need for integrity and an ethical approach to all aspects of the conduct of examinations.

References

1   General and vocational qualifications: Suspected malpractice in examinations and assessments. Policies and procedures, 1 September 2018 to 31 August 2019, JCQ, 2018

2   England: Teacher Regulation Agency. Wales: Education Workforce Council. Scotland: General Teaching Council Scotland. Northern Ireland: General Teaching Council, Northern Ireland.

3   'One rule for some', Times Educational Supplement, 23 November 2018, p.48

4   https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754088/Ivey__S_-_Web_Decision.pdf

5   https://www.kentlive.news/news/kent-news/three-teachers-ravens-wood-school-2690793

6   https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinaryprocedures/part-a-academic-disciplinary-procedures/

7   https://www.cityandguilds.com/-/media/cityandguilds-site/documents/delivering-ourqualifications/cdl/malpractice/2018-19-managing-cases-of-suspected-malpractice-inexaminations-and-assessments-v6,-d-,2-pdf.ashx?la=en&hash=417F0110D2C5481E648B6F8CCFD8BB691FAB1F95

JCQ tariff of sanctions
Indicative sanctions against centres

Proposed sanction	Broad reason for the sanction
Written warning	Minor non-compliance with the regulations with no direct or immediate threat to the integrity of an examination or assessment.
Review and report (Action plans)	Breach of procedures or regulations which if left unchecked could result in a threat to the examination or assessment.
Approval of specific assessment tasks	Failure in a specific subject or sector area relating to the nature of the assessment tasks chosen.
Additional monitoring or inspection	Failure of the centre's systems resulting in poor management of the examination or assessment, or inadequate invigilation.
Removal of Direct Claims status	Loss of confidence in the ability of the centre to assess and verify candidates' portfolios satisfactorily.
Restrictions on examination or assessment materials	Failure to maintain the security of examination or assessment materials.
Deployment of independent invigilators	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. Alternatively, a breakdown in management and quality assurance arrangements for a specific qualification or sector/subject area.
Withdrawal of centre recognition	Loss of confidence in the head of centre or senior management. Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre. Failure to co-operate with AO requests to thoroughly investigate suspected malpractice. Failure to implement a specified action plan.

Examples of sanctions against candidates

Type of offence	Warning (Penalty 1)	Loss of marks (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Introduction of unauthorised material into the exam room, e.g.:			
Calculators, dictionaries (when prohibited)	not used	used or attempted to use	
Notes, study guides and personal organisers	notes irrelevant to subject	notes relevant to subject	notes relevant to subject and evidence of use
Mobile phone or other similar electronic devices (including iPod, MP3/4 player, Smartphone, Smartwatch)	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
Breaches of examination conditions			
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 a 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 and integrity 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 but with no proof that the script is safe; taking home materials	deliberately breaking a timetable clash supervision arrangement; removing script from the examination room and with proof that the script has been been tampered with; leaving examination room early so integrity is impaired
Disruptive behaviour in the exam room or assessment session (including 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	warnings ignored; repeated or loud offensive comments; physical assault on staff or property

Type of offence	Warning (Penalty 1)	Loss of marks (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Exchanging, obtaining, receiving, or passing on information which could be exam-related (or attempt to):			
verbal communication	isolated incidents of talking before start of exam or after papers have 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 which have no bearing on exam	accepting exam-related information	passing exam-related notes to other candidates; helping one another
Offences relating to the content of candidates' work			
The inclusion of inappropriate, offensive or obscene material	isolated words or drawings, mildly offensive, inappropriate approaches or responses	frequent mild obscenities or drawings; isolated strong obscenity; mildly offensive comments aimed at staff	offensive comments or obscenities aimed at staff; homophobic, transphobic, racist or sexist remarks
Collusion: working collaboratively with other candidates beyond what is permitted	collaborative work is apparent in a few areas, but possibly due to teacher advice; candidate unaware of the regulations	collaborative work begins to affect the examiner's ability to award a fair mark to an individual candidate	candidates' work reflects extensive similarities and identical passages, possibly due to a deliberate attempt to share work
Plagiarism: unacknowledged copying from or reproduction of published sources (including the internet); incomplete referencing		plagiarism from published work listed in the referenced; **or** minor amount of plagiarism from a source not listed in the bibliography or referenced	plagiarism from published work not listed in the bibliography or referenced; **or** plagiarised text consists of the substance of the work submitted and the source is listed in the bibliography or referenced
Making a false declaration of authenticity		sections of work done by others, but most still the work of the candidate	most or all of the work is not that of the candidate
Copying from another candidate (including the misuse of technology)	lending work not knowing it would be copied	permitting examination script/work to be copied showing other candidates the answers	copying from another candidate's work;

Type of offence	Warning (Penalty 1)	Loss of marks (Penalties 2 – 4)	Loss of aggregation or certification opportunity (Penalties 5 – 9)
Undermining the integrity of examinations/assessments			
The deliberate destruction of work		defacing scripts; destruction of candidate's own work	significant destruction of another candidate's work
The alteration or falsification of any results document, including certificates			falsification/forgery
Misuse of, or attempted misuse of assessment material and resources	attempting to source assessment-related information online	accepting assessment-related information without reporting it to the awarding body	misuse of assessment material or exam-related information, including: attempting to gain or gaining prior knowledge of assessment information; improper disclosure (including electronic means); receipt of assessment information or removal of secure information from the examination room; passing or distributing assessment-related information to others
Theft (where the candidate's work is removed or stolen)			taking somebody else's work (e.g. project/coursework) to pass it off as one's own
Impersonation			deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated
Behaving in a way as to undermine the integrity of the examination/ assessment			attempting to obtain certificates fraudulently; attempted bribery; attempting to obtain or supply exam materials fraudulently

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

NB Where the box is blank, the penalty may be used

14 Conclusion

1. The Commission recognises the integrity and honesty of the vast majority of teachers, examination providers, administrators and students. The successful detection of a very small number of incidents of malpractice is a result of the strongly ethical approach adopted by almost everyone involved in examinations and assessment, and the way in which they respond positively to the high degree of trust the system places in them.

2. The Commission hopes that its recommendations, which have an ethical basis and a strong reliance on the responsibility of both examination centre staff and students, strike a good balance between a well-regulated system and the maintenance of trust in professionals.

3. In all walks of life there is a small proportion of dishonest people and the education system is no exception. As well as from dishonesty, malpractice can also arise from inefficient administration, carelessness or poor communications. This means that malpractice in examinations is unlikely ever to be removed entirely, but the Commission has been encouraged by the way in which awarding organisations investigate malpractice and use an appropriate range and level of sanctions to deal with offenders.

4. Especially, but not exclusively, because of the advance of technology and social media, the variety of types of malpractice is increasing and it is difficult for the system to keep ahead of developments. Wearable technology is one such area and the Commission considers, in particular, that all watches should be banned. Constant vigilance is needed on the part of AOs and centres to prevent the abuse of technology.

5. Throughout this report, certain themes have been emphasised:

   a. First, the examinations system in the UK is not broken. There is a very small proportion of detected malpractice and some of these cases rightly feature in the media, illustrating the importance that the public ascribes to an effective, efficient and ethical qualifications system. The vast majority of the several hundred thousand people involved in the examinations system – candidates, teachers, awarding body experts, examinations officers and administrative staff – act with integrity and professionalism.

   b. Although there are drivers of malpractice – such as the pressures on young people to attain good grades, the pressures on staff from a high-stakes accountability system, and the pressures on training providers and employers when a licence to practise depends on the results of workplace assessment – these drivers may be the reason for malpractice, but should never be an excuse for it. People working under these pressures need considerable support and this should be provided by JCQ, AOs and centre leaders.

   c. Centres should constantly be reinforcing the need for their staff and students to adopt an ethical approach to examinations and assessment, which should persist throughout courses, as well as at assessment times. Staff and students should be actively encouraged to report malpractice and, where necessary, follow whistleblowing procedures provided by awarding organisations and the regulatory authorities.

   d. The Commission has recognised the significant role played by heads of centre. However, we are not convinced that the importance of such a role is widely recognised. Heads of centre should understand fully their range of responsibilities and level of accountability and should receive adequate support and training from awarding organisations.

   e. If good decisions are to be made on examination rules and procedures, the availability of high-quality data on malpractice is important and there are areas, such as vocational qualifications and access arrangements, where this can be improved.

   f. The system works most effectively when there is a high degree of collaboration between AOs, sharing data and intelligence at every opportunity.

   g. Communications between JCQ, AOs and centres are important if the heads of centre, examinations officers, staff and students involved in examinations are to be sufficiently supported to act correctly at all times.

6. The Commission has noted the different definitions being used for malpractice and maladministration and the lack of clarity among many students about the nature of malpractice. The Commission has concluded that a single clear definition should be agreed between all the bodies involved in the system and communicated to all stakeholders, including candidates.

7. The Commission recognises the new developments in the system of JCQ centre inspections. However, we believe that inspections should have a wider brief to provide assurance that centres follow all the procedures required by awarding organisations.

8. In a system involving several hundred thousand people each year, good communications are vital and the Commission has found many ways in which these can be improved, particularly by JCQ, which recognises this and has recently put in place a review of its communications.

9. Communications with, and improved support for, examination officers (EOs) and heads of centre are particularly important for the effective operation of examinations and assessment in schools, colleges and workplaces. The needs of governing boards should also be considered. Even more important are good communications to the students taking examinations and assessments concerning the nature of malpractice, and warnings to them about the avoidance and consequences of malpractice.

10. As part of this improvement in communications, the Commission has recommended a descriptive annual report on instances of malpractice in GQ and VTQ and a regular monthly newsletter to centres.

11. Although the Commission has seen no evidence of malpractice in applications for access arrangements and special consideration, it is concerned about the recent rise in the number of applications. Recognising that the data on access arrangements are poor, and that research indicates that proportionately more applications are made by resource-rich schools, this is an area that requires further consideration by JCQ and the AOs.

12. The Commission recognises that some of its recommendations have resource implications at a time when funding is extremely tight in the education sector. These demands on JCQ, AOs and centres will have to be balanced against other priorities but, given the level of importance attached to a rigorous and effective qualifications system, the Commission's recommendations for change to reduce malpractice should be given high priority in resource allocation.

13. The Commission has alluded to, but not discussed in depth, the need for the examinations and assessment system to move forward, making better use of technology to develop a more valid and reliable system for the future, in ways that minimise the risk of malpractice. Some of those giving evidence to the Commission have suggested that recent developments in examinations policy, such as the removal of coursework, particularly in England, have increased reliability at the expense of validity. In order to maximise both reliability and validity, greater use of increasingly sophisticated digital and e-assessment may point the way forward. It would be good to see work being done on how barriers to the use of this technology can be understood and removed.

15

Summary of recommendations

This summary presents the Commission's recommendations grouped by their implications for organisations, representative bodies and examination centres. Figures in brackets refer to the sections of the Commission's report in which the recommendations appear.

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR THE REGULATORY AUTHORITIES, JCQ AND AWARDING ORGANISATIONS

1. JCQ, its member organisations and the regulatory authorities should consider whether the term malpractice should be used to include both what is currently termed malpractice and what is currently termed maladministration, with the difference in degree of offence reflected in the level of sanction applied. (3:1)

2. JCQ, its member organisations and the regulatory authorities, should:

    i.   review current definitions of malpractice and maladministration

    ii. clearly define malpractice, in the interests of public accountability

    iii. agree a definition that is as free as possible from jargon, and is accessible to a non-expert audience

    iv. agree alignment of the definition with all member organisations

    v.   co-ordinate definitions and approaches between JCQ, FAB and STA (3.2)

3. The regulators and awarding organisations of England, Wales and Northern Ireland should seek to remove inconsistencies in the malpractice data they collect, report and publish and the format in which findings are presented. (4:1)

4. Regulators and awarding organisations should implement a system of data collection and publication on malpractice in regulated or publicly funded VTQs that is systematic and reported publicly, in line with malpractice data in GQs. (4:3, 7.1)

5. All organisations in the system should be preparing for different kinds of examinations systems that may emerge with the advance of technology and changes in learning practices. (8:13)

6. The regulators and JCQ should consider how the data on access arrangements can be collected and presented in a way that produces an accurate indication of the number of AA in each examination series. (9:1) AA data should be linked to candidate data. (9:2)

7. Regulators, JCQ and AOs should work to create greater consistency in ensuring that any action is proportionate to the gravity and scope of the malpractice when issuing sanctions, and clarify how this is to be done in a fair and equitable manner. (13.3)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR JCQ, AWARDING ORGANISATIONS AND REPRESENTATIVE BODIES OF HEADS OF CENTRES

8. JCQ should review the wording of the National Centre Number Head of Centre Declaration, in consultation with organisations representing heads of centre. (5:5)

9. Separate from the NCN Head of Centre Declaration, a clearer statement is needed of what is expected of heads of centre and what support they can expect from JCQ and the AOs. In particular, the role of heads of centre in preventing and, if necessary, investigating malpractice should be set out clearly and in a single place. (5:6)

10. AOs and JCQ should improve the support available for heads of centre. (5:7)

11. JCQ should work with AOs to produce an annual report describing each year's malpractice. (6:1, 7.2, 11.5)

12. JCQ and AOs should continue to work closely with stakeholders – especially the teacher, college and school leader associations and the examinations officers' organisations – in developing and communicating the most effective means of preventing student and staff malpractice. (6:2)

13. JCQ should consult with AOs and the representatives of heads of centre on more ways to prevent malpractice in centre-based assessment. (7:3)

14. JCQ and AOs should review the communication strategy to centres on preventing malpractice, with a view to improving its effectiveness. (7:4)

15. JCQ and AOs should consider whether to impose a limit of, say, five years before centre re-approval is required. (7:7)

16. JCQ and AOs should consider strengthening the moderation process for both GQs and VTQs. (7:8)

17. JCQ and AOs should clarify that attempting to sell a hoax paper is a form of malpractice and subject to sanctions. (8:4)

18. JCQ and AOs should work together to ensure that centres are using the access arrangements and special consideration system appropriately and in line with equality legislation. (9:3)

19. JCQ and AOs should review the demands on centres for policies, with a view to reducing centre staff workload and rationalising the required information. (10:14)

20. EO training should be subject to a Quality Mark system, run by JCQ. (11:2)

21. There should be a recommended, but non-mandatory, professional qualification for EOs, approved by AOs through JCQ. JCQ, in consultation with the EO community, should consider establishing a training and qualification framework for EOs. (11:3)

22. Wherever possible and compliant with GDPR and competition law, AOs should work together when investigating potential malpractice, including at an earlier stage than when it becomes a JCQ investigation, where appropriate. (12:3)

23. AOs in membership of JCQ and the Federation of Awarding Bodies (FAB) should work together to review the centre approval process to ensure that it is sufficiently rigorous and that potential conflicts of interest are minimised. (12:6)

24. The existing range and level of sanctions are appropriate. (13.1)

25. JCQ, on behalf of its member AOs, should seek legal advice on the publication of details concerning cases of malpractice and their resulting sanctions. (13.2)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR JCQ

26. JCQ should set out more clearly the position regarding malpractice by 'assessment personnel'. (3:3)

27. JCQ communications with centres should prioritise information for heads of centre, as well as information for EOs. (5:8)

28. In addition to training events, JCQ should provide online and video training for heads of centre. (5:9)

29. JCQ should publish succinct advice on malpractice for members of school governing bodies, the boards of multi-academy trusts, the boards of colleges and employers. (5:11)

30. JCQ should consult stakeholders on the potential benefit of centres requiring students to sign a form stating that they have read the regulations concerning the conduct of examinations, and that they have understood the regulations and the consequences of committing malpractice. (6:4)

31. JCQ regulations should ban **all** watches from examination rooms. A dispensation should be made available as an access arrangement for eligible candidates who need a watch to be able to have a non-smart watch, which must be placed on their desk. (8:3)

32. JCQ should take the lead in facilitating the monitoring of the dark web for examination malpractice. (8:7)

33. Through its cyber-security group, JCQ should build a relationship with the National Cyber Security Centre and use it to support its member AOs. (8:8)

34. The level of invigilator training should be considered and, if necessary, raised and made mandatory. The understanding and competence of invigilators should be tested more rigorously. (8:10)

35. A central secure online database of certificated results should be considered by JCQ in order to prevent forgery of paper qualification certificates. (8:11)

36. JCQ regulations should state that scribes and readers should have no personal connection with the student and should preferably be appointed from outside the centre. (9:4)

37. The Commission does not have evidence of malpractice in AA and SpecCon applications, but it has concerns about the number of applications and the increase in number in recent years. The JCQ Board should commission further research on AA and SpecCon in order to ensure that AA and SpecCon are designed in a way that creates a level playing field between candidates with disabilities and others. (9:5)

38. JCQ should work with organisations of special needs professionals to investigate the feasibility of engaging researchers to create a bank of tests that would be free for all centres to use when making AA applications. SENCos should then be trained and accredited to carry out these tests properly. (9:6)

39. In order to evaluate whether AA is over-compensating for students' disabilities, it is recommended that JCQ should commission research on the distribution of grades of students with 25 per cent extra time. (9:8)

40. JCQ documentation should be rationalised, simplified and put onto the JCQ website in a way that enables centre staff to search easily for the information they require. (10:1, 11.6) All documents should be indexed. (10:2) Definitions and examples should be included for some common terminology. (10.9)

41. In-year changes to JCQ documentation are rare, but should be avoided unless absolutely necessary. Process controls should be put in place to prevent them wherever possible. (10:3) All changes, including deletions, should be highlighted clearly in a user-friendly manner. (10:4) All documents should indicate where they are replacing other documents. (10:5)

42. All JCQ documentation should be dated with the time of publication and the most recent update (if an update has been made after the start of the academic year). (10:6)

43. Each piece of information should indicate who needs to know it and to which standard JCQ publication it applies. (10:7) Where there is scope for discretion for centres, this should be indicated more clearly. (10:8) There should be greater clarity in JCQ documentation about the intended audience for each aspect of the examination process. (10:10) The degree of importance of each part of JCQ documentation should be highlighted. (10:11)

44. JCQ should create an information feedback loop to trainers. (10:12) Wherever possible, changes should be tested by users before being imposed on the whole system. (10:13)

45. JCQ should produce a new communications plan, considering how best to inform centres of changes to documentation at the time the changes are made, preferably well before the start of an examination series. (10:15)

46. There should be a regular JCQ monthly e-newsletter to centres, itemising changes to documentation and other news. (10:16)

47. JCQ should consider producing more advice on malpractice specifically targeted at students. (10:17)

48. In the light of the recommendations in this report, the JCQ Board should consider whether JCQ requires the allocation of additional resources or the re-allocation of current resources. (10:18)

49. The JCQ centre inspection service (CIS) should increase its capacity, so as also to be able to inspect VTQ assessment provision in centres. (12:4)

50. The JCQ Board should reflect on the extent of the reach of its Centre Inspection Service and consider whether the scope of on-site CIS work should be broadened to include a robust end-to-end evaluation of the fitness of centres to deliver examinations and assessments ethically and without malpractice. (12:5)

51. JCQ should consider how its communications strategy can help to spread the message about the serious consequences of malpractice for students and staff in the context of the need for integrity and an ethical approach to all aspects of the conduct of examinations. (13:4)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR AWARDING ORGANISATIONS

52. Awarding organisations should report staff misconduct numbers to regulators where it involves examination malpractice. Regulators should report malpractice data on awarding organisation staff, examiners and markers. (4:2)

53. Where there is sub-contracting, AOs should review the extent of monitoring and audit in order to ensure that sufficient checks and balances are in place to prevent malpractice. (7:6)

54. AOs should draw on the practice of universities and use originality-checking software to check GQ and VTQ coursework and controlled assessments for plagiarism, if they do not already do so. This could be trialled with a random or risk-based sample. (8:9)

55. Through maximum alertness on the part of AOs, ways of future-proofing the system against new technology-based malpractice need to be kept under constant review. (8:12)

56. Individual AOs should reflect on the recommendations in section 10 of this report and review their own processes in the light of these recommendations. (10:19)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR EXAMINATION CENTRES AND STAFF TRAINING ORGANISATIONS

57. Initial teacher training, training for newly qualified teachers, senior management training and management training in workplaces should all include training on the purposes of assessment, conducting examinations and assessments with integrity and taking an ethical approach to the delivery of qualifications. (5:1)

58. Heads of centre should build and maintain an ethical culture in which malpractice by students and staff does not take place. Such a culture of honesty and openness should enable staff and students to report matters of concern. (5:2)

59. Centres should have a clear and comprehensive whistleblowing policy which:

    a. encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals

    b. identifies how to report concerns

    c. explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes

    d. provides details of relevant bodies to whom concerns about wrongdoing can be reported, including awarding organisations and regulators

    e. includes a commitment to do everything reasonable to protect the reporter's identity, if requested

    f. sets out how those raising concerns will be supported. (12.2)

60. Every examination centre should consider training a senior member of staff as a Chartered Assessor. (6:3)

61. JCQ should consult stakeholders on the potential benefit of centres requiring students to sign a form stating that they have read the regulations concerning the conduct of examinations, and that they have understood the regulations and the consequences of committing malpractice. (6:4)

62. Heads of centre should take the lead in their institutions on preventing malpractice, but everyone else in the institution – whether school, college or workplace – must buy into the ethical culture and act responsibly. (6:5) Heads of centre

should strive to create a culture in their institutions in which integrity in assessment is promoted and malpractice by staff and students in centre-based assessment does not take place. (7:5)

63. The possession of a mobile phone in an examination room should continue to be banned. (8:1)

64. The ban on smart watches and other internet-enabled devices should also be continued. The communication of this ban should be as thorough as that for mobile phones. (8:2)

65. Due to the proliferation of smart watches and increases in their capabilities, and the difficulty for invigilators in being able to distinguish between smart watches and non-smart watches, **all** watches should be banned from examination rooms. A dispensation should be made available as an access arrangement for eligible pupils who need a watch to be able to have a non-smart watch, which must be placed on their desk. (8:3)

66. From the September when candidates begin studying for their GCSEs or A-levels, centres should highlight to them the social media notice asking them to report any malpractice they see or suspect to senior staff of the centre. (8:5)

67. Toilet sweeps should be utilised during the examination season to prevent instances of candidates secreting notes, devices and other materials in toilet cubicles, where they cannot be supervised. (8:6)

68. The level of invigilator training should be considered and, if necessary, increased and made mandatory. The understanding and competence of invigilators should be tested more rigorously. (8:10)

69. School leaders should provide SENCos with adequate time to administer and apply for access arrangements, as well as fulfilling their other responsibilities. (9:7)

70. In all centres, the EO should be line-managed and actively supported by a senior member of staff with good knowledge of the examinations system. (11:1)

71. Centres should provide EOs with annual appraisals, linked to suitable training opportunities. (11:7)

72. Heads of centre should ensure that their centre has contingency plans in place for emergencies such as their EO resigning or being otherwise absent. (11:8)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR GOVERNING BOARDS AND HEADS OF CENTRES

73. Governing boards should ask the head of centre whether s/he has signed and understood the significance of the NCN Declaration and should receive reports from the head of centre about the conduct of the examinations as well as the results. Members of these bodies should work closely with AOs in the investigation of the circumstances of any allegations of malpractice. (5:10)

74. Heads of centre and governing boards should create and maintain an approach to examinations that reflects an ethical culture and encourages staff and students to report their concerns. (12:1)

75. Governing boards should ensure that their centre has a clear and comprehensive whistleblowing policy. (12:2)

RECOMMENDATIONS THAT HAVE DIRECT IMPLICATIONS FOR THE GOVERNMENT

76. The next reviews of headteacher and teacher standards should consider the inclusion of ethical leadership of the conduct of examinations in revised versions of the standards. (5:4)

77. The government should fund research into the barriers to extending digital and e-assessment, including potential malpractice issues, in order to prepare the UK examinations system for the future. (8:14)

78. Initial teacher training courses should include material on good practice in the conduct of examinations. (11:4)

Appendices

Appendix 1: Membership of the Commission

Members

Sir John Dunford	Chair
Duncan Baldwin	Association of School and College Leaders[1]
Mike Buchanan	Independent Schools' Council
Jugjit Chima	The Exams Office
Nansi Ellis	National Education Union
Emma Knights	National Governance Association
Thomas Lancaster	Imperial College, London
Suzanne O'Farrell	Association of School and College Leaders[2]
Eddie Playfair	Association of Colleges
Niki Polydorou	JCQ Malpractice Group, OCR
Mick Walker	Chartered Institute of Educational Assessors

Observers

Philip Blaker	Qualifications Wales
Justin Edwards	Council for the Curriculum Examinations and Assessment
Celina Garza	International Baccalaureate Organisation
Michelle Meadows	Ofqual
James Morgan	Scottish Qualifications Authority
Matthew Purves	Ofsted

In attendance at Commission meetings

Charley Jarrett	AQA[3]
Katherine Shirley	JCQ secretariat
Andy Walls	JCQ[4]
Philip Wright	JCQ[5]

1   *From February 2019*

2   *To February 2019*

3   *From March 2019*

4   *To June 2019*

5   *From July 2019*

Appendix 2: Terms of reference for the Commission

Aim

To consider the nature, extent and drivers of malpractice in the examinations system and to make recommendations to all stakeholders in the examinations system on improvements that can be made to reduce and deter malpractice.

Terms of reference

1. To consider the nature and impact of malpractice across general, technical and vocational qualifications.

2. To review malpractice data, identifying trends and emerging issues.

3. To identify the main drivers of malpractice and the context in which teachers and lecturers are working.

4. To consider the use of social media and its impact on malpractice.

5. To understand new technology, how it can be used for malpractice and what actions can be taken to prevent its use.

6. To consider how approaches to assessment can mitigate the risk of malpractice.

7. To consider the different responsibilities and accountabilities of all stakeholders, including awarding bodies, senior leaders involved in examining and moderation, heads of centre and exams officers.

8. To consider what centres and awarding organisations can do to identify and prevent malpractice, focusing in particular on centre culture, drivers of malpractice, safeguards and whistleblowing procedures.

9. To consider what awarding organisations can do to support centres in identifying, preventing and dealing with malpractice.

10. To consider the use of sanctions and whether they are proportionate and effective as deterrents, including the connection between malpractice and criminal activity.

11. To make recommendations to all stakeholders in the examinations system on improvements that can be made to reduce and deter malpractice.

Appendix 3: Public Call for Evidence

JCQ'S INDEPENDENT COMMISSION INTO MALPRACTICE IN THE UK ASSESSMENT SYSTEM

18 MAY, 2019

Introduction: JCQ's Independent Commission into malpractice in the UK assessment system

The aim of the Commission is to consider the nature, extent and drivers of malpractice in the examinations system and to make recommendations to all stakeholders in the examinations system on improvements that can be made to reduce and deter malpractice.

On the 1 February 2019, the Commission made a public call for written evidence. The survey closed 18 March 2019. The survey was constructed around ten questions relating to the terms of reference of the Commission.

In total, the call for evidence received 114 responses representing a range of stakeholder groups including examination officers, teachers, school and college principals, senior leaders in schools, and those working in, and for, awarding bodies.

The Commission wishes to express its gratitude to those colleagues who gave their time and expertise to complete the survey.

This report provides an analysis of the responses.

Report on the JCQ Commission on Malpractice Public Call for Evidence

This survey received 114 responses from a range of exam-related stakeholders including examination officers, teachers, school and college principals, senior leaders in schools, and those working in, and for, awarding bodies, as shown in Figure 1.
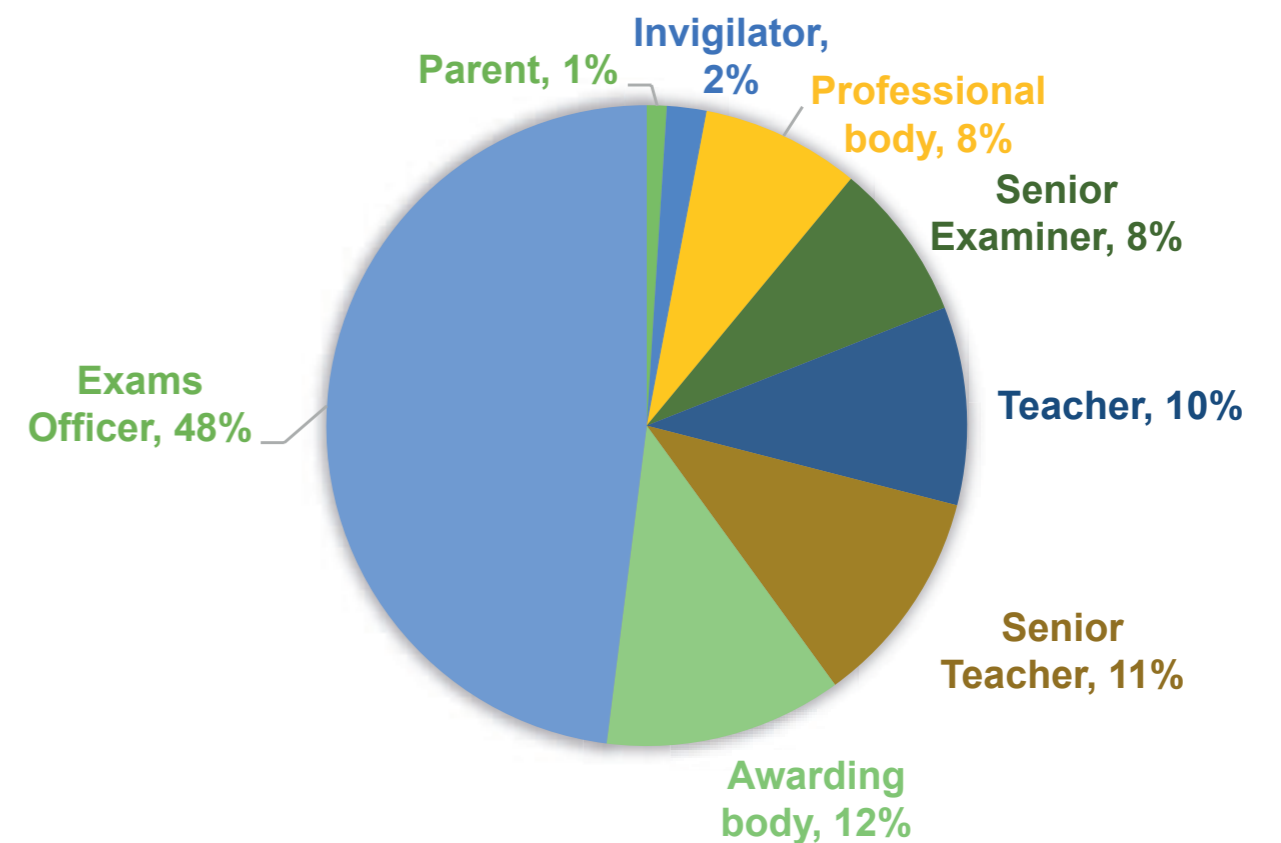
Figure 1 Respondents of the survey

Ten questions were employed to investigate evidence on the nature and extent of malpractice in the UK public assessment system, all of which are open-ended. Though not every respondent gave responses to all of these questions, the response rates, in general, are quite high, as shown in Table 1.

Table 1. Response rates to the questions on the survey

Questions	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Response	95%	94%	97%	91%	85%	88%	84%	81%	75%	78%

1. Forms of malpractice

According to respondents' responses on the forms of malpractice across general, technical or vocational qualifications that they are aware of, the main reported forms are summarised in Table 2.

Table 2 Forms of malpractice

Forms of malpractice	Frequency
Teacher over-assistance	44
Possession or use of mobile phones by candidates	36
Plagiarism by candidates	36
Possession or use of unauthorised materials by candidates	26
Maladministration by examination centres	20
Cheating in exams by candidates	15
Selling or leaking exam papers by centre staff	8
Inappropriate behaviours of invigilators	5
Collusion between examination centres and candidates	4
Candidates altering their documents	4
Impersonation	4
Candidates sharing exam paper content after exams	3
Financial fraud by centres	3
Candidates breaching examination conditions	2

With regard to centres, the most widely reported forms of malpractice are teacher over-assistance and maladministration. As the most commonly noted form of malpractice, 44 respondents noted that teachers give too much help to candidates, especially in non-exam assessments such as coursework or controlled assessments. According to some of these respondents, teachers even "replace exam practical work with an alternative submission" or do work for students. The second most common form of malpractice for centres, as reported by 20 respondents, is maladministration, such as mistakenly opening the wrong examination papers, wrong papers being given out to candidates, and allowing incorrect access arrangements. In addition, eight respondents reported that centre staff open and sell exam papers ahead of the test dates. Five respondents reported inappropriate behaviour of invigilators, such as incorrect timing, as malpractice.

For individual candidates, possession or use of electronic devices in exams (mainly mobile phones), followed by plagiarism, are the two most commonly noted forms of malpractice. 36 respondents reported that students have mobile phones in exams, with no intention to use them, refusing to hand them over to invigilators, or attempting mobile phone use. 36 respondents stated plagiarism. In most cases as reported by these respondents, students conduct plagiarism by downloading and copying online resources, while six reported plagiarism in relation to copying peers' work. 23 respondents noted that students take unauthorised materials, usually notes (on hands, in pencil cases, etc), into exam rooms. 15 respondents noted students cheating during exams, for example, talking and sharing answers, or communicating with candidates who have completed the examination.

A small number of respondents reported other forms of malpractice such as centre's or learners' collusion, candidates altering their documents, impersonation of another student, candidates sharing exam paper content after exams or breaching examination conditions (e.g. disruptive behaviour), and financial fraud by centres through forgery of certificates or earl claims for certification.

2. How widespread is malpractice?

In terms of how widespread malpractice is, 44 respondents stated that malpractice is rare or not widespread according to what they have seen or the reports they have received. Some of the respondents noted that, considering the overall number of candidate entries, malpractice cases are "very small". By contrast, 26 respondents perceived that malpractice is widespread. 13 respondents specifically noted that this is mainly in relation to mobile phones.

19 respondents considered that the nature of malpractice is dependent on particular centre practices, qualification types, and assessment types. Respondents generally agreed that accidental malpractice is more widespread than intentional malpractice. Some types of assessment and qualifications, for example non-exam assessments and qualifications that are licences to practise, present "a risk of higher rates of malpractice".

It is also perceived by ten respondents that it is hard or even impossible to quantify how widespread malpractice is. As reported by these respondents, their knowledge about this issue is based on their experiences of inspections and what is reported to them. However, they noted that there might be cases that are not detected or reported. For example, as noted by one of these respondents, it is "harder to monitor teachers doing controlled assessment". Another respondent pointed out that, "Advances in communication technology also present greater opportunity for malpractice and place an increasing threat to (the) examination system".

3. Main drivers of malpractice

Pressure to do well is the most commonly noted driver of malpractice, as reported by 69 respondents. According to these responses, for students, with the need for jobs, visas, or university admission, the pressure to achieve well could come from students themselves, peers or parents; while for centres, it is mainly associated with the culture of school accountability. Driven by league tables, schools have to maintain their status or funding by getting good results. This pressure is then passed onto teachers whose payment is linked to student performance in some centres. Heavy workload without sufficient support (e.g. professional training, appropriate payment) and lack of understanding of what malpractice is are respectively the second (14) and third (13) most commonly reported drivers of malpractice.

In terms of the drivers of phone-related malpractice, as reported by 12 respondents, it is generally believed that most students consider mobile phones as a "security blanket", and they are, therefore, reluctant to hand in their mobile phones to invigilators even if they don't have the intention to use their phones during examinations.

With regard to reducing these drivers of malpractice, improving the examination system is the most suggested approach (16), followed by training examination staff in centres (13). Improving arrangements in centres and educating students in terms of increasing their knowledge about malpractice and their future interests are also suggested (six respondents for each).

4. The impact of technology and the use of social media on malpractice

26 respondents pointed out that technology and social media could increase the risk of malpractice since they make it easier to get access to online resources for committing plagiarism and also make it easier and faster to distribute exam paper questions. In line with this perception, one respondent reported that the malpractice cases involving technology seem to be increasing. Four respondents stated that they have some impact, especially for course work or non-exam assessments. However, one of these four respondents noted that "we (teachers) don't know how many we don't spot".

17 respondents stated that the impact of technology and social media is huge, since technology and the use of social media "have opened up whole new possibilities for malpractice", as noted by one of the respondents. By contrast, 11 respondents perceived that the impact is limited, or even not a specific problem, according to their own experience.

As summarised in Section 3, heavy workload is one of the main drivers of malpractice. One respondent reported that technology has a big impact on malpractice in terms of influencing workload, for example, putting pdf copies of a paper onto 50 PCs on the morning of the exam day in what is limited time.

5. How new approaches to assessment might mitigate the risk of malpractice

Rather than giving comments on how new approaches to assessment might mitigate the risk of malpractice, most respondents (25) suggested that less use of coursework or non-exam assessment could reduce the opportunities for malpractice. Some of these respondents suggested the removal of these types of assessment. Three respondents noted that this may not completely address the problem, since for some subjects or qualifications non-exam assessment has advantages in terms of assessment validity and should not be replaced by other approaches.

17 respondents suggested the use of new approaches. Amongst these suggestions, using computer-based assessments including online assessment and adaptive assessment is most commonly noted. The 12 respondents providing this suggestion perceived that, with this mode of assessment, malpractice could be mitigated through ways such as internet control or providing different questions to different students. Another two respondents respectively suggested locally administered assessments (e.g. universities' own entrance exams) and multiple modular format assessments giving more chances for candidates to achieve. However, as one respondent stated, moving to new approaches to assessment "would introduce greater risks of other issues", for example, the issue of computer security introduced by computer delivery of examination papers.

Four respondents stated that assessments focusing more on the application of skills rather than recall of knowledge could help to mitigate the risk of malpractice.

6. Should the responsibilities and accountability of stakeholders be modified or strengthened to prevent malpractice?

24 respondents stated that the responsibility and accountability of stakeholders needs to be modified or strengthened; while 19 respondents reported that it is not necessary to do that since they are clear and strong enough, four of whom commented further that the provision of more training to assure greater understanding of these responsibilities would be helpful in preventing malpractice. A further five respondents stated that they had no particular views on this question.

Amongst the respondents who considered that stakeholders' responsibilities and accountability should be modified or strengthened, 19 respondents referred to those for staff in centres, including heads of centres and senior leaders who should be more accountable, and be clearer about their responsibilities. This was extended to include exams officers' (EOs') responsibilities, and EOs whose authority should be recognised.

12 respondents stated that awarding bodies should be more responsible in terms of clarifying and strengthening the consequences of malpractices and making the guidance clearer for schools and candidates.

Six respondents also mentioned strengthening students' as well as parents' responsibilities and accountability. These respondents suggested that students and parents need to be more aware of the regulations, meet their responsibilities, and know about the implications (or seriousness) of malpractice for students.

7. What more can centres and awarding organisations do to identify and prevent malpractice, focusing in particular on centre culture, drivers of malpractice, safeguards and whistleblowing procedures?

15 respondents reported that more training should be provided to centres by awarding bodies to communicate what malpractice could look like and reinforce the consequences of malpractice. 13 respondents suggested that whistleblowing policies can and should be improved. Concerns were raised about current whistleblowing policies centering on the conflict of interest between examiners and centres/candidates, anonymity, and transparency on the use of information. Another ten respondents suggested the need for more spot checks on examination centres. Eight respondents reported that the guidelines for the administration of examinations should be improved, for example, to make them clear and standardised across subjects and/or examination boards. A few of these respondents suggested not allowing teachers to be EOs or exam paper writers, and suggested easing up on the reporting of accidental malpractice. Recognising the authority of EOs and having a consistent and robust sanctions policy clarifying the consequences of malpractice for centre staff and candidates were also reported by seven respondents and six respondents respectively.

For centres, the most noted suggestions are the following (five responses for each): 1) centres should build an institutional assessment culture among staff and students; 2) senior leaders should oversee the quality of practices; and 3) educating students about malpractice (e.g. from the early stage of their learning journey, employing some creative ways to communicate related knowledge).

8. The perceived best ways that awarding organisations can support centres in identifying, preventing and dealing with malpractice

It is suggested by 29 respondents that improving guidelines for centre staff as well as students can support centres in identifying, preventing and dealing with malpractice. This includes making guidelines clearer, consistent and accessible in terms of specifying what is/is not allowed in practice, what constitutes malpractice, reporting, the decision process and penalties. Simplifying the processes was also cited. 16 respondents highlighted the necessity of training for centre staff, while another six respondents suggested that more inspections could be helpful. From a broader viewpoint, one respondent noted that a comprehensive framework including "training workshops for teachers and associated resources (policies, procedures, promotional materials)" should be provided by awarding organisations to centres to "reinforce the topic of academic integrity with all the community".

Moreover, eight respondents considered that to support centres, awarding organisations could build close and in-depth relationships with centres, in which awarding organisations work with centres in terms of preventing malpractice, rather than just communicating with them when issues emerge, or play the role of the "the police force".

9. Suggested form of sanctions as deterrents, and perception of whether some kinds of malpractice ought to be classed as criminal activity

In terms of sanctions for candidates, 18 respondents stated that disqualifying them seems sufficient as a deterrent. Six respondents noted that they should be banned from re-taking exams (e.g. for a few years) and that universities/UCAS should be informed immediately of these candidates' cheating records. For individual staff members, five respondents suggested that they should be disqualified from acting in their role in centres. Similarly, for centres, it is suggested by five respondents that their accreditation as a centre should be lost. Fines, community service, or public naming are also suggested as deterrents by a small number of respondents. Two respondents noted that sanctions used to deal with malpractice should depend on the form of malpractice.

It is widely perceived by respondents that some kinds of malpractice should be treated as criminal activity. The most reported form of malpractice in this category is selling or releasing assessment materials, as noted by ten respondents. Other forms mentioned include deliberate breach of regulations by the head of centre or staff, identity theft, tampering with papers, 'cooking the books', helping students to plagiarise, and forgery of qualification evidence documents, all of which are intentional malpractice. Five respondents stated that it depends on the severity and qualification type. Forms

of malpractice having a large-scale effect or qualifications linked to others' health and safety should be classed as criminal activity. However, 12 respondents suggested there should be no link between malpractice and criminality, most of which gave this response from the perspective of students. For these respondents, failing exams is sufficient for deterring students from malpractice, while stronger deterrents such as criminalising will not work, especially for accidental malpractice.

10. Improvements to the examination system that can be made to reduce and deter malpractice

23 respondents stated that modifying assessment approaches is the most effective way to reduce and deter malpractice. This is consistent with the general perceptions about new approaches to assessment for mitigating the risk of malpractice, as investigated by Question 5. Respondents mostly suggested that employing computer-based assessments and fewer non-examination assessments, such as coursework or controlled assessment, would help to improve the examination system in terms of reducing and deterring malpractice.

The provision of training for centre staff is again reported as an aspect where the examination system could make improvements to reduce and deter malpractice. A further eight respondents suggested the need for more measures focusing on monitoring and assuring the quality of policies and procedures in centres. Five of these respondents made particular mention of more thorough inspections.

Survey questions

Q1. What forms of malpractice across general, technical or vocational qualifications are you aware of?

Q2. How widespread do you think malpractice is? Please provide reasons or evidence base for your answer?

Q3. What do you consider to be the main drivers of malpractice and what might be done to reduce them?

Q4. To what extent does technology and the use of social media impact on malpractice?

Q5. How might new approaches to assessment mitigate the risk of malpractice?

Q6. Should the responsibilities and accountabilities of stakeholders be modified or strengthened to prevent malpractice? (Stakeholders include awarding bodies, senior leaders involved in examining and moderation, heads of centres, exams officers, students and parents.)

Q7. What more can centres and awarding organisations do to identify and prevent malpractice, focusing in particular on centre culture, drivers of malpractice, safeguards and whistleblowing procedures?

Q8. How best can awarding organisations support centres in identifying, preventing and dealing with malpractice?

Q9. What form of sanctions would you like to see as deterrents, including whether some kinds of malpractice ought to be classed as criminal activity?

Q10. What improvements to the examination system can be made to reduce and deter malpractice?

Appendix 4 : Findings of The Exams Office questionnaire to members

The Exams Office (TEO) is a membership organisation with the stated aim of supporting examination officers in their everyday role. As of summer 2018, over 3200 centres in the UK have an active membership making them the largest independent exams support group in the UK (https://www.theexamsoffice.org/home-2/about-us/). The Exams Office is represented on the Independent Commission on Examination Malpractice.

As part of TEO's provision of Winter Conferences held in five locations across the country in January and February 2019, delegates were invited to complete a survey on examination malpractice. The survey presented a range of questions covering for example the length of time in post, training, status, experiences of malpractice and the support received to carry out the role. A total of 1,421 survey responses were received.

This paper provides a summary of the key findings of the survey for the Commission's consideration. Please note that not all respondents answered every question and where percentages are provided, the figures are rounded up so that not all percentages reported total 100%. The following sections report on each of the questions asked in the survey. A copy of the survey is included at the end of this report.

Responses to questions

Question one asked respondents to state how many years they had held the post of examinations officer. Responses to this question reflected a wide variation in replies.

Years as an examinations officer	Number of responses (n=1,421)	Percentage of total responses
1	357	25%
2 – 3	290	20%
4 – 5	150	11%
5 – 9	263	19%
10 plus	361	25%

Question two asked respondents to state if they were teaching examinations officers. Of the 1,421 respondents, 1,336 reported being non-teaching examinations officers with 85 reporting that they also had teaching responsibilities.

Question 3 asked respondents to state the number of examination officers in their respective institutions. A clear majority of respondents, 1,201, reported being the sole examinations officer in their institution. The maximum number of examination officers reported by four respondents was seven. The following chart provides a breakdown of answers to this question.

Number of EOs per centre	Number of responses (n= 1,421)	% of sample
1	1,201	85%
2	167	12%
3	22	2%
4	10	1%
5	15	1%
6	2	0.1%
7	4	0.2%

Question asked 4 asked respondents to provide information on training options that supported their role as examinations officers. The following chart provides a breakdown of the options presented and the responses. (Note: respondent could select more than one option.)

Training option	Number of responses
Relevant diploma or certificate	0
Training offered by The Exams Office	806
Training offered by awarding organisations	799
Training offered by other relevant training providers	421
Self-study of The Exams Office, Ofqual and JCQ documents	935
No external training	0

Question 5 asked of experiences of dealing with malpractice committed by student and/or staff. Respondents could select from four options. Note: some respondents selected more than one option.

Options presented	Number of responses
Yes – by students	883
Yes – by staff	77
Yes – by students and staff	175
No	519

Question 6 asked respondents who had replied yes to question 5 to describe the incidents of malpractice they had dealt with as examination officers. Of the 871 responses to this question, mobile phones was by far the most cited category with 587 mentions. This was followed by reference to the use of notes with 119 mentions, plagiarism with 34 mentions, and calculators with 23 mentions. 45 references were made to invigilators. This category covered a wide range of instances including invigilators' phones ringing in exam sessions (3), an invigilator leaving the room to take personal call, assisting candidates with reading questions (2) and talking during an examination session (1). Other instances reflected poor administration including writing the wrong finishing time of the exam on the whiteboard (3) and distributing the wrong examination paper (1).

Question 7 asked for examples of what respondents viewed as good practice that other examination officers could learn from. There were 871 responses to this question. All cases referred to either following the JCQ rules, completing malpractice reports and submitting them to the relevant awarding body or JCQ. 53 responses made reference to the need for thorough investigations of any incidents with 13 stating that instances of detected malpractice resulted in additional training.

Question 8 asked respondents to indicate experiences of seven types of malpractice. This question received 984 responses which are presented in the following table. Note: some respondents selected more than one option.

Type of malpractice	Number of responses
Mobile phones	740
Other electronic devices – usually calculator	42
Unauthorised materials	346
Disruptive behaviour	224
Failure to comply with JCQ regulations	150
Breach of security	27
Other	120

Question 9 asked respondents if they believed malpractice is common in the education examinations system. 1,421 responses were received of which 240 (17%) responded 'yes' and 1,181 (83%) responded 'no'.

As a follow-up, question 10 asked those respondents who answered 'yes' to question 9 if they had any evidence to support their answer. The following chart reports the results of the 225 responses against the categories identified in the responses. (Note: some stated that they had no evidence or left this question blank.)

Categories drawn from responses	No of responses
Discussions with other examinations officers – including at training events	47
Personal experience	32
Articles in the press/news	29
JCQ/Ofqual official figures and reports	21
Hunch or suspicion	14
Changes in JCQ regulations suggest growing concern	11
Hearsay and forums	12
Social media – Facebook, chat rooms	9
Feedback from other schools	5
Unsure – no actual evidence	4
It's impossible to prevent – and human nature to cheat	3
From speaking to awarding body centre inspectors	1
From speaking to agency invigilators	1
Because there is a JCQ Commission	1

Question 11 asked for thoughts on the key drivers of malpractice. 328 respondents cited 'pressure' either on centres or candidates. 13 respondents stated anxiety. Ignorance of procedures or penalties was cited in 41 responses. Mobiles phones were most cited with 1,153 times responses.

Question 12 asked respondents to state which existing documentation that helps to support institutions in preventing and detecting malpractice they were familiar with. Of the 66 stating 'other', 35 noted the Exams Office as the provider. Note: respondents could select more than one of the three options given.

Source of documentation	Number of responses
Ofqual	472
JCQ	1,410
Awarding body	960
Other	66

Question13 asked respondents if the available documentation was adequate or not in supporting institutions in preventing and detecting malpractice. 1,291 answered 'yes' to this question with 131 stating 'no'.

Question 14 followed up on reasons for 'no' answers to question 13. Answers to this question were few and the reasons given diverse. Confusing documentation was cited most with 31 mentions. 21 respondents mentioned more documentation aimed at students. 12 respondents asked for more scenarios and videos. Ten respondents noted that more training was needed, especially for senior leadership teams with five other responses aimed specifically at heads of centre.

Question15 asked if heads of centres or senior leadership teams played an active role in preventing and monitoring malpractice. 1,167 respondents answered 'yes' to this question with 254 answering 'no'.

In answering question 16 about their own status in terms of dealing with or preventing malpractice, 1,176 answered that they thought they did have sufficient status with 245 saying 'no' they did not have sufficient status.

Question17 asked respondents to select from four statements with which they agreed. Note: respondents could select more than one category.

Statements agreed with	Number of responses
More can be done to prevent malpractice	960
Current sanctions are sufficiently effective as a deterrent to malpractice by students	878
Current sanctions are sufficiently effective as a deterrent to malpractice by staff	677
The culture and procedures at my institution help to prevent malpractice	980

Question 18 asked respondents to explain their answers given for question 17. 804 respondents provided answers to this question. Providing good information to students and staff received most mentions (159). This included information in student handbooks, on posters and in briefings to staff and pupils.

121 respondents stated the importance of having good internal systems in place, often referring to examination procedures being in place across all year groups and re-enforced during mock exams.

99 respondents noted the backing of heads of centre, senior leaders and staff in setting the right culture around the need to prevent and/or manage malpractice. The influence of fear of being disqualified was noted in 49 responses with 40 suggesting that awarding bodies need to be more consistent and tougher in imposing sanctions. 25 responses said that in their view students do not care about sanctions and that some are either arrogant or believe they won't be caught. Ten respondents suggested more information should be targeted directly at students rather than centres with eight responses stating that senior leadership do not support examinations officers. Five were of the view that staff do not engage with the administrative requirements of running examinations and four suggested there should be more JCQ inspections.

Question 19 asked respondents in relation to technology, what more could be done to prevent malpractice. Of the answers received, 206 'did not know' of an answer or were 'not sure' of what can be done. Other examples included more checks and

restrictions on mobile phones and smart watches (97 references), more information aimed at candidates through social media channels including information on penalties, banning adverts offering exam 'cheating' help and tougher sanctions.

Question 20 asked if the procedures for granting access arrangements or special consideration are adequate and fair. 1,185 respondents answered 'yes' to this question with 236 answering 'no'.

Of those answering 'no' to question 20, suggestions on how these procedures could be improved were sought in question 21. Relatively fewer answers were offered for this question. Of those received, 30 respondents were of the view that access arrangements are too easily granted. 22 respondents cited pushy parents or pupils as a cause of pressure on the system. A further eight respondents suggested this was more true in the independent sector along with a further eight who referred to parents who can afford to pay for diagnosis. Five respondents noted that the lack of resources can have a negative impact on gaining support for access arrangements. 20 respondents reported inconsistency across centres and awarding bodies in interpreting access arrangements with a further 15 stating that the process is too complex.

Ten respondents stated that a one size fits all allocation of 25% is too blunt an instrument whilst another 31 had concerns that special consideration did not adequately reflect the particular circumstances of candidate's, where for example, 5% is granted for the death of a parent. This was cited as unfair in comparison to access arrangements.

Four respondents were of the view that access arrangements should be reviewed as they do not adequately reflect the needs of the system as it has developed over time.

Question 22 asked respondents to suggest changes to the current procedures that would reduce instances of malpractice. The most common response to this question was that respondents were happy with the current arrangements (n=46) although there were a number of responses stating that it still depends on centres applying the procedures correctly. Issues around more and wider communications were also common with 11 respondents stating that more information should be provided through social media with a further 15 stating the main audience should be parents and pupils. (n=15). 21 respondents asked for more general information to be made available, often mentioning teachers as the target. More support from heads of centres and senior leaders attracted ten responses.

24 respondents stated that there should be harsher penalties for those found to be in breach of the requirements with 32 suggesting a complete ban on watches (n=18) and mobile 'phones (14). A further five suggested that scanning technology and more powers to search candidates (n=2) should be introduced.

The idea of simplified procedures was suggested by 14 respondents, with a further 13 asking for more training. Some of these comments suggested teachers should also be trained. Six respondents suggested that there should be more consistency across awarding bodies and five asked for more support from awarding bodies for examinations officers who had reported malpractice.

11 respondents suggested more JCQ inspections with a further four asking for more flexibility for centres in how they carried out awarding body requirements. Three respondents asked for more spot checks on access arrangements.

The final question, number 23, asked respondents for any other comments. This question received relatively few answers. Most comments received centred on the role and status of examinations officers. 23 asked for improved status for examinations officers, more consideration of workload implications (n=17), and that too much responsibility was put on examinations officers (n=14). Six further comments suggested that examinations officers should be consulted by the JCQ through a standing representative panel. Six respondents stated that they lacked support, particularly since the loss of the QCDA field team.

13 respondents asked for greater consistency across awarding bodies with a further eight asking for the JCQ to review the requirements for advising examination boards about staff with relatives taking examinations which were viewed as time consuming and intruding.

Three comments asked for JCQ to date documentation and inform examinations officers of the changes by e-mail. Four comments suggested that JCQ inspections should be more thorough with two of these requesting more of a focus on the head of centre rather than the examinations officer.

11 respondents asked for video or poster materials relating to real-life examples of malpractice and sanctions aimed directly at students and sponsored by Ofqual and the JCQ in order to give them more status.

All responses were made anonymously and are available for more detailed scrutiny on request from The Exams Office.

The Exams Office questionnaire to members

The JCQ has established an Independent Commission on Examination Malpractice, to consider the nature, extent and drivers of malpractice* in the examinations system and to make recommendations on improvements that could reduce and deter malpractice.

The Commission's remit covers both general and vocational qualifications and will look at malpractice in all its forms, including improper use of technology and social media

It would be very helpful if you can answer the following questions. Your anonymity will be strictly preserved in the use of information from this survey.

1. How many years have you worked in your current role?   1   2-3   4-5   5-9   10+ (Please circle the number of years)

2. Are you a teaching exams officer?   Yes / No

3. How many EOs are there in your institution?   ....

4. What training have you undertaken to support your role as an EO? (Please select all that apply)

    a. Relevant diploma or certificate   Yes / No

    b. Training offered by The Exams Office   Yes / No

    c. Training offered by awarding organisations   Yes / No

    d. Training offered by other relevant training providers   Yes / No

    e. Self-study of The Exams Office, Ofqual and JCQ documents   Yes / No

    f. No external training   Yes / No

5. Have you had to deal with incidents of malpractice* by students or staff? (Please select from list below)

    a. Yes – by students

    b. Yes – by staff

    c. Yes – by students and staff

    d. No

6. If yes, please briefly describe them (70 words max)

....

....

7. If yes, please share your view on good practice that others could learn from in dealing with malpractice (70 words max)

....

....

8. Which of the following types of malpractice have you experienced? (Please select all that apply)

    a. Mobile phones   d. Disruptive behaviour   f. Failure to comply with JCQ regulations

    b. Other electronic device   e. Maladministration by staff   g. Breach of security

    c. Unauthorised materials   h. Other (Please state...)

9. Do you believe that malpractice is common in the education exams system?   Yes / No

10. If yes, what evidence do you have to support this? (70 words max)

....

....

11. What would you say are the key drivers of exam malpractice? (70 words max)

....

....

12. With which of the following documentation that exists to support institutions in preventing and detecting malpractice are you familiar? (Please select all that apply)

    a. Ofqual   b. JCQ   c. Awarding body

13. In your opinion, is the available documentation on malpractice adequate to support institutions in preventing and detecting malpractice?   Yes / No

14. If no, please explain your answer: (70 words max)

....

....

15. Does your head of centre or leadership team member play an active role in preventing and monitoring malpractice?   Yes / No

16. Do you believe you have sufficient status in your institution to tackle or prevent malpractice?   Yes / No

17. With which of the following statements do you agree? (Circle those you agree with)

    a. More can be done to prevent malpractice

    b. Current sanctions are sufficiently effective as a deterrent to malpractice by students

    c. Current sanctions are sufficiently effective as a deterrent to malpractice by staff

    d. The culture and procedures at my institution help to prevent malpractice

18. Please explain your answers to question 17 (70 words max)

....

....

19. In relation to technology and social media, what more can be done to prevent malpractice? (70 words max)

....

....

20. Are the procedures for granting access arrangements
or special consideration adequate and fair?   Yes / No

21. If no, please suggest how these procedures could be improved (70 words max)

....

....

22. What changes to current procedures would you like to see to reduce malpractice? (70 words max)

....

....

23. Any other comments that you would like to bring to the attention of the Commission

....

....

Thank you very much for your time. Your answers will be most helpful to the Commission's work.

The JCQ definition of malpractice, which includes maladministration and non-compliance, means any act, default or practice which is a breach of the JCQ 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.**

Failure by a centre to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in itself. Also, failure to take action as required by an awarding body, or to co-operate with an awarding body's investigation, constitutes malpractice.

The eight awarding bodies which are members of the Joint Council for Qualifications are AQA, CCEA, City & Guilds, NCFE, OCR, Pearson, SQA and WJEC.

Appendix 5: Survey of young people

RESEARCH REPORT ON STUDENT VIEWS

MARCH 2019

© Copyright Vincent Consulting Limited 2019 - Commercial in confidence

CONTENTS

1.0 INTRODUCTION AND BACKGROUND

The Joint Council for Qualifications (JCQ) commissioned Vincent Consulting to ascertain students' perceptions of malpractice as part of an independent Commission into examination malpractice, chaired by Sir John Dunford, and on behalf of member awarding bodies; AQA, CCEA, City & Guilds, NCFE, OCR, Pearson, SQA and WJEC.

The aim of the Commission is to consider the nature, extent, and drivers of malpractice in the examination system. Outcomes will focus on potential ways to future proof the system by providing recommendations to stakeholders in the examination system, on improvements that can be made to reduce and deter malpractice. This may include, for example, refinement of the communication of malpractice and sanctions, and around accountability.

1.1 Context

1.1.1 Malpractice

Malpractice includes maladministration and non-compliance with the regulations, and means any act, default or practice which is in breach of the regulations, or which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualifications 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.

Malpractice has become an increasing concern and a number of high-profile cases have been in the media recently, which may have had an impact on perceptions of the fairness of the examination system, as well as public confidence.

1.1.2 Current issues

Ofqual (2018a) reported that 2,735 penalties were issued to candidates for GCSE, AS and A level examinations for the 2018 summer exam season in England. Of these candidate malpractice cases;

- 64% were due to having unauthorised materials, of which 75% were due to having a mobile phone during an examination

There is also a concern over the increase in access arrangements in recent years, especially the increase in extra time. During the 2017/18 academic year there were 391,130 approved access arrangements for GCSE, AS and A level in England (Ofqual, 2018b). Extra time arrangements of 25% made up three-fifths of all approved access arrangements (Ofqual, 2018b). This had increased by 5.2% from the 2016/17 academic year.

Research Objectives

The objectives of this research were to gain insight into student perspectives, perceptions and experiences of malpractice.

This includes the desire to understand the ethical spectrum of malpractice, from taking illegal material into an exam room or plagiarism to any practices that mean that the exam playing field is not level between all candidates. This includes both obvious and less obvious breaches of examination ethics and rules.

METHODOLOGY

The research was conducted via a quantitative survey sent out to The Student Room online community.

2.1 Sample

2.1.1. Target population

The population of interest was young people aged 16 to 19 domiciled in England, Wales, Northern Ireland and Scotland who;

- Were currently in education (ranging from year 12 to those who had enrolled for the first time at university in the 2018/2019 academic year).

- Had recently left education and were either on a gap year, in employment or currently unemployed.

Respondents were required to have recently experienced some part of the assessment system within the JCQ jurisdiction, including; GCSE, AS/A levels, BTEC, Scottish Highers, or experience of the International Baccalaureate. Their experience could be through written exams, coursework assignments or a combination of both.

This research excludes experience of Higher Education, National Curriculum assessments eleven-plus, professional or mock examinations.

2.1.2. Sampling approach and limitations of the research

An opportunistic sampling approach was taken. The sample is not representative of the whole population of students.

The findings do not aim to be fully generalisable. Instead, they provide an insight into young people's perceptions of malpractice, which could be explored further in the future.

Respondents fitting the above profile were targeted based on the information they provided on signing up to The Student Room and their subsequent activity across The Student Room Group's network of platforms. Please refer to **Appendix A** for an example of the content of the email invitation to participate.

Respondents were also recruited through survey links featured on The Student Room website. Filter questions were used at the start of the questionnaire in order to get to the right target population and filter out those who were not eligible to participate.

The survey was live between the **20th January and 4th February 2019.**

There was a female skew in the results and efforts were taken to address this. The final split is 74% female, 24% male and 2% other or prefer not to say. A full breakdown of the sample profile is available in **Appendix C.**

2.2. Survey Design

JCQ provided information on its current policies and procedures for suspected malpractice in examinations and assessments for both general and vocational qualifications (Joint Council for Qualifications, 2018). Additionally, it provided details of the instructions for conducting examinations for heads of centres, senior leaders within schools and colleges and examination officers (Joint Council for Qualifications, 2018). This was used to inform the quantitative questionnaire design. Additionally, Sir John Dunford and the commissioning body reviewed and fed back on drafts of the survey, resulting in an amended final version.

The survey was designed to understand students' perceptions of example cases of malpractice, including expectations of penalties and sanctions.

- It included questions on malpractice in both written examinations and coursework assignments.

- It covered a range, from types of malpractice which are strictly prohibited to permitted but potentially unethical.

The survey covered four themes of malpractice:

- Teacher and staff behaviour.

- Mobile phones and social media use.

- Misuse of access arrangements.

- Standard forms of malpractice including plagiarism and taking notes into an exam.

The survey comprised 37 questions in total, including 10 profiling/screening questions. 20 of the questions focused on examples of potential malpractice and asked the respondent to indicate on a scale what they felt the punishment for them would be.

The scale was:

- Acceptable/no punishment.

- A warning.

- Loss of marks for a section of the exam/assessment.

- Loss of marks for the whole exam/assessment.

- Banned from all future exams/assessments.

- Don't know.

By selecting any response between 2 and 5, the respondents indicated that they thought the example was potentially a case of malpractice and deserved punishment. The scaled answers could also be used to explore whether participants' thoughts matched with JCQ's own recommendations on the severity of each form of malpractice.

Additional questions covered whether respondents had ever taken a mobile phone into an exam or assessment, potential reasons for this and a possible solution to the mobile phone issue. These questions were included in response to Ofquals' recent report on malpractice (Ofqual, 2018a).

The full survey can be found in **Appendix B.**

2.3 Analysis

The anonymity of respondents is treated with the utmost importance. The response rate was high, therefore, there is a low risk of disclosure through data manipulation. Values less than 0.5% or 1% were reported as <0.5% or <1% respectively. Other data labels were rounded to the nearest whole number, meaning not all sets of percentages add up to exactly 100%. The exception in rounding to the nearest whole number was <0.05%; if rounded to 0, the data presented would not be true to the results as only true zero values were presented as 0.

3.0 Findings

3.1 Summary of key findings

- In the majority of cases, respondents recognised malpractice and understood that they would be punished for such behaviour. However, in many cases, the severity of punishment for these actions was underestimated.

  For certain topics, such as social media usage, collusion and plagiarism, there was a considerable proportion of respondents who misidentified the example cases as acceptable behaviour.

- Most respondents were aware of what was acceptable or unacceptable behaviour by teachers, although a fifth of respondents thought teachers or other staff giving hints and tips during the exam/assessment was acceptable.

- Although respondents were mostly aware that taking a phone into an exam or assessment was malpractice, they were more lenient in their perceptions of the deserved punishment than JCQ's guidelines.

- Only a small proportion of respondents said they had taken a mobile phone into an exam or assessment. Of these, the majority thought being able to keep it in a plastic bag either on their desk or under their seat would be a acceptable solution.

- The majority of respondents understood that using social media for sharing or finding out exam questions beforehand was malpractice, although a considerable minority (17%) thought it was acceptable to use social media to find out exam questions beforehand.

- Half of the respondents understood that sharing exam information after an assessment on social media was acceptable, but two-fifths mistakenly perceived it as malpractice.

- There seemed to be a good understanding of what would and wouldn't be malpractice surrounding access agreements.

- Respondents were clearly aware that well-documented forms of malpractice were indeed malpractice. For example, taking restricted materials into an exam or passing someone else's work off as their own.

- Identifying what constitutes malpractice and the severity of it appeared to be most unclear in relation to coursework. For many of the respondents, the point at which collaboration becomes malpractice was not fully understood.

3.2 Response

Initial screening questions disqualified potential respondents who did not fit the population of interest, leading to a final sample of 1,844 respondents. Of these, 1,540 respondents completed all of the survey questions. As having as large a sample as possible was important for this research, both partial and full responses are included in the analysis. For this reason, the bases change depending on the question.

The majority of respondents were currently in year 13 (year 14 in Northern Ireland) at school or college (55%). The most recent exams taken were AS/A levels (53%) and GCSEs (39%). The majority of respondents were domiciled in England (86%). The full profile of respondents is available in **Appendix C.**

3.3 Detailed Findings

Appendix D features a table including all the example cases used in this research indicating which are forms of malpractice according to JCQ's policies and procedures document (Joint Council for Qualifications, 2018). Additionally, it includes the percentage of respondents who thought the example case was a form of malpractice.

3.3.1. Acceptable and unacceptable behaviour of teachers

Most respondents were aware of what was or was not suitable behaviour by teachers or other school staff members, although a fifth of respondents thought teachers or other staff giving hints and tips during the exam/assessment was acceptable.

Table 1 Acceptable and unacceptable behaviour of teachers

Example Case	Malpractice	% Saw it as malpractice
Teachers or other staff giving hints and tips during an exam or assessment	Yes	72%
Teachers giving out model answers for previous year's exams or assessments	No	2%
A teacher suggesting what questions will appear on an exam paper due to previous year's papers	No	10%
Lessons in school or college focused entirely on a specific exam or assessment	No	20%

Teachers or other staff giving hints and tips during the exam/assessment

The majority of respondents (72%) recognised that teachers or other staff giving hints and tips during an exam or assessment was unacceptable. 6% were unsure, but 21% thought that 'it was acceptable'.

Teacher giving out model answers for previous year's exam/assessment

Teachers giving out model answers for previous year's exams or assessments was predominantly perceived as acceptable behaviour. 96% of respondents stated that 'it was acceptable', only 2% thought 'it was not acceptable' and 2% were unsure.
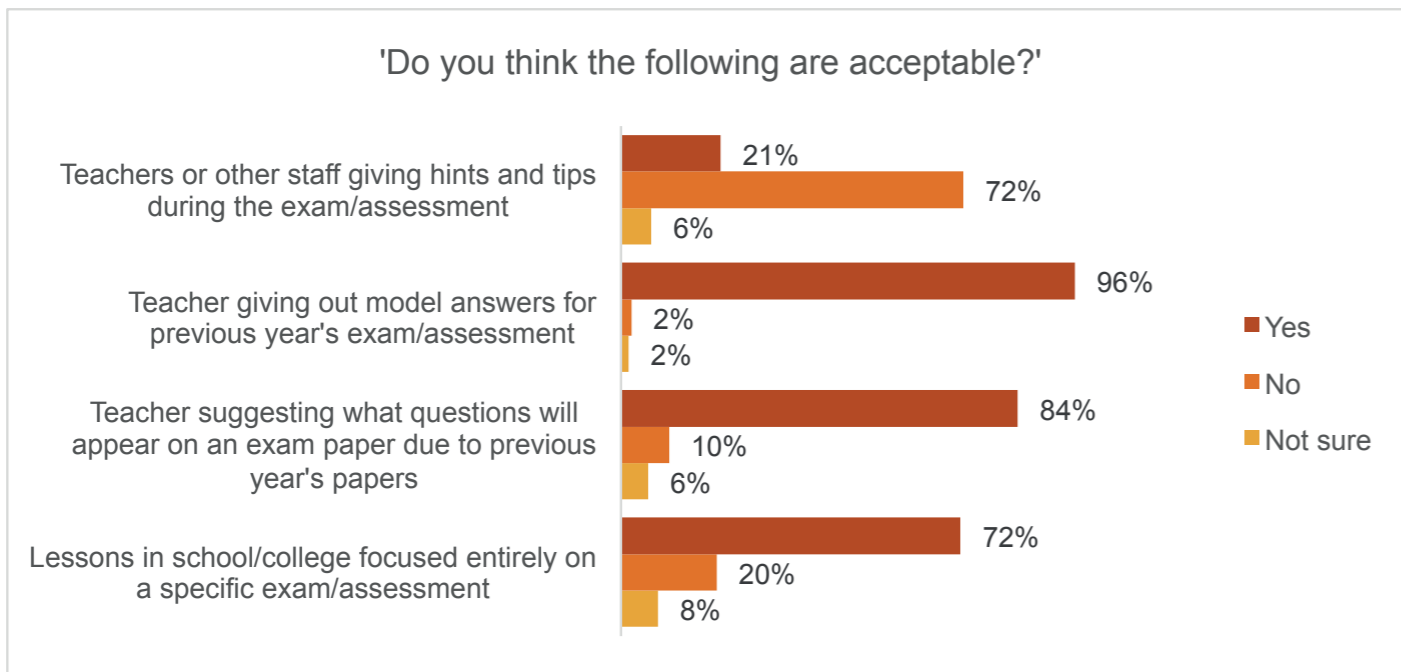
Teacher suggesting what questions will appear on an exam paper due to previous year's papers

A teacher suggesting what questions would appear on an exam paper due to previous years' papers was deemed acceptable by 84% of respondents. 10% thought it was unacceptable and 6% were unsure.

Lessons in school/college focused entirely on a specific exam/assessment

The majority of respondents (72%) thought lessons in school or college focused entirely on a specific exam or assessment were acceptable, although 20% said 'it was not acceptable' and 8% were unsure.

Chart 1: Acceptable and unacceptable behaviour by teachers

Teachers or other staff giving hints and tips during the exam/assessment Base 1,740.

Teacher giving out model answers for previous year's exam/assessment Base 1,739.

Teacher suggesting what questions will appear on an exam paper due to previous year's papers Base 1,741.

Lessons in school/college focused entirely on a specific exam/assessment Base 1,740.

3.3.2 Use of mobile phones

More than 9 out of 10 respondents recognised that taking a mobile phone into an exam was malpractice, although there was a clear difference in opinion over the form of punishment deserved, depending on whether or not there was an intention to use the device to cheat during the exam.

Table 2 Use of Mobile Phones

Example Case	Malpractice	% Saw it as malpractice
Taking a mobile phone into an exam but not intending to use at all	Yes	91%
Taking a mobile phone into an exam to use it with the intention to cheat	Yes	99%

Taking a mobile phone into an exam but not intending to use at all

The majority of respondents, 49%, thought if they brought a mobile phone into an exam without intending to use it all, they should be punished with a warning. The next most commonly chosen punishment (22%) was the loss of marks for the whole exam or assessment. 7% thought it was acceptable or that they should not be punished.

Taking a mobile phone into an exam to use it with the intention to cheat

Most respondents, 58%, thought that if they brought a mobile phone into an exam or assessment with the intention to cheat, they should lose marks for the whole exam or assessment. 32% thought they should be banned from all future exams or assessments.

JCQ's own guidelines are stricter than respondents' perceptions about the deserved punishment for bringing a mobile phone into an exam or assessment.

JCQ suggests if a mobile phone is found in the candidate's possession without evidence of use, the candidate should lose marks for a section or a whole unit of the qualification. If there is evidence of the mobile phone being used by the candidate, they should be disqualified and potentially barred from entering examinations for a set period of time.

These findings suggest there is a disparity between respondents' perceptions of mobile phone usage as a form of malpractice and JCQ's current guidelines.

Chart 2: Use of mobile phones
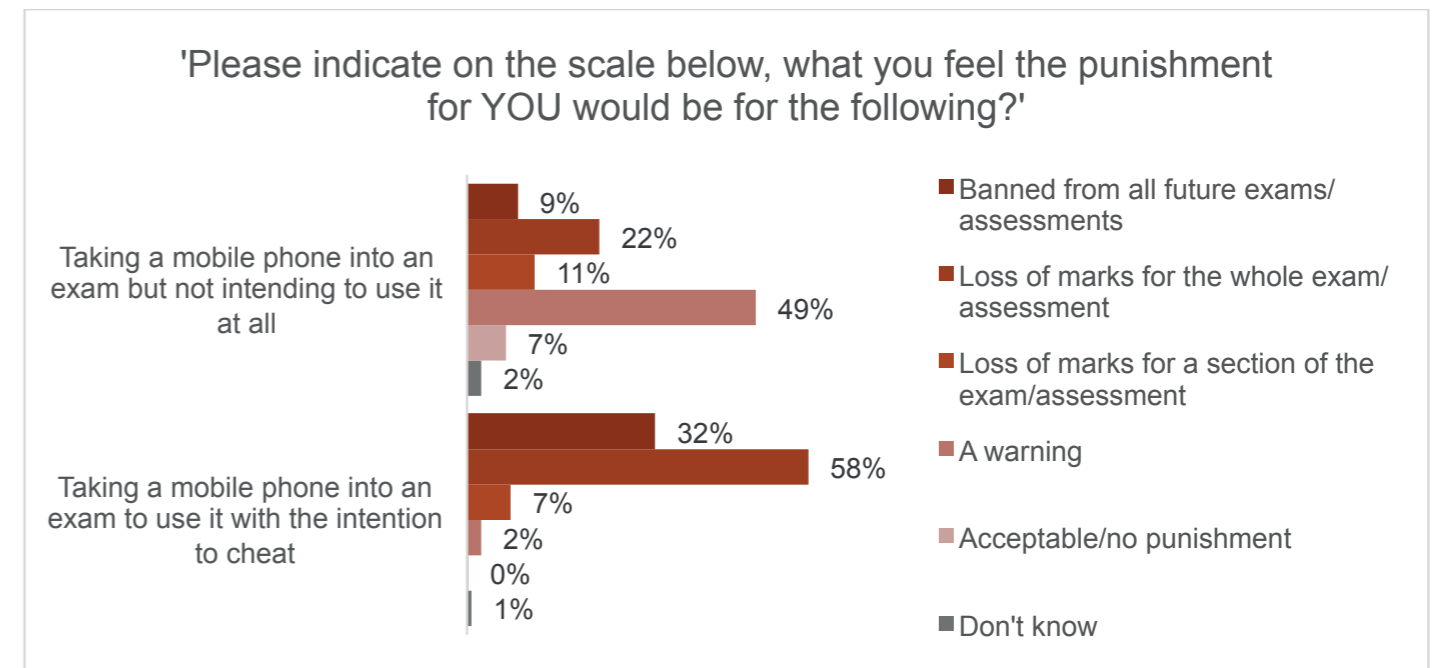
Taking a mobile phone into an exam but not intending to use at all Base 1,692.

Taking a mobile phone into an exam to use it with the intention to cheat Base 1,691.

Being able to keep their phone in sight would prevent most respondents (who had previously kept their phone on them in an exam or assessment) from doing so again in the future.

10% of respondents stated they had kept a mobile phone with them during an exam or assessment.

Of these respondents, 76% had kept their phone with them because they didn't want to give it to someone else or leave it outside the assessment room.

71% stated that being allowed to keep their mobile phone switched off, in a clear plastic bag under their seat or on their desk, would prevent them from keeping the phone with them during an exam or assessment.

3.3.3 Social media

Most respondents recognised that finding out or sharing exam questions through social media before an exam was malpractice. Many also thought that sharing exam questions afterwards was malpractice.

Table 3 Social media

Example Case	Malpractice	% Saw it as malpractice
Using social media to find out exam questions beforehand	Yes	74%
Sharing 'leaked' exam questions on social media before an exam	Yes	85%
Sharing exam questions on social media after completing an exam	No	41%

Using social media to find out exam questions beforehand

Perceptions of using social media to find out exam questions beforehand varied among respondents. Although the majority understood that using social media to find out exam questions beforehand would result in a punishment, 17% thought that this was acceptable and that they would receive no punishment. 31% thought they would lose marks for the whole exam or assessment for doing it, while 17% thought would only receive a warning.

Sharing 'leaked' exam questions on social media before an exam

Sharing 'leaked' exam questions on social media before an exam was predominantly perceived as wrong and would result in punishment. 37% thought they would be banned from all future exams or assessments and 26% thought they would lose marks for the whole exam or assessment. However, 13% thought they would only receive a warning and 8% thought it was acceptable or they would receive no punishment.
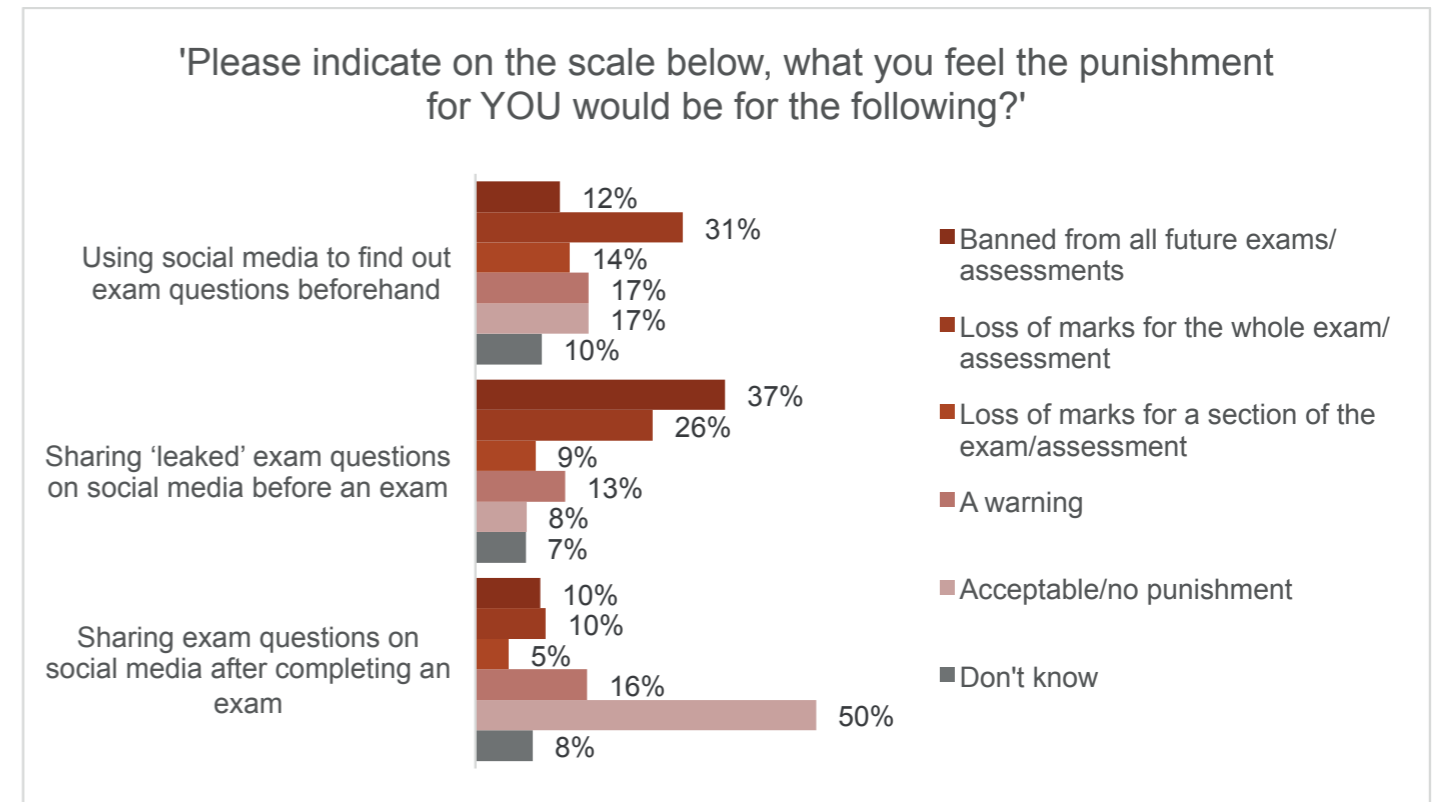
Sharing exam questions on social media after completing an exam

Two-fifths of respondents (41%) believed that sharing exam questions on social media after completing an exam was malpractice. 16% believed they would receive a warning, 10% thought they would lose marks for the whole exam and 10% thought they would be banned from all future exams.

Perceptions of malpractice through social media usage in some aspects differed between respondents and JCQ's own guidance.

- Respondents recognised that using social media to find out exam questions beforehand would result in a loss of marks for part or all of the assessment.

- They also understood that sharing 'leaked' exam questions on social media before an exam was a serious offence and that it may result in them being barred from future examinations.

- A minority, however, did not see these uses of social media as malpractice, deserving of sanctions.

- Half of the respondents recognised that sharing exam questions on social media after completing an exam was not malpractice, whereas a fifth of respondents thought it was a serious form of malpractice.

Chart 3: Social media

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'

Using social media to find out exam questions beforehand Base 1,690.

Sharing 'leaked' exam questions on social media before an exam Base 1,689.

Sharing exam questions on social media after completing an exam Base 1,688.

3.3.4 Misuse of access arrangements

Most respondents were able to identify what was or was not a misuse of access arrangements. Applying for unmerited extra marks was seen as worse than applying for unwarranted extra time. There was less consensus among respondents about the appropriate punishment compared to the other question topics.

Table 4 Misuse of access arrangements

Example Case	Malpractice	% Saw it as malpractice
Being given or applying for extra time for special educational needs, illness or a disability which you don't have	Yes	83%
Being given or applying for extra marks (special consideration) for a traumatic event which didn't happen	Yes	90%
Using a neutralised laptop (a laptop without auto correct or access to the internet) for an exam	No	22%

Being given or applying for extra time for special educational needs, illness or a disability which they don't have

The highest proportion of respondents, 30%, thought being given or applying for extra time for special educational needs, illness or a disability which they don't have would result in a loss of marks for the whole exam or assessment. 19% thought they would be banned from all future exams and assessments, while 18% thought they would only receive a warning.

Being given or applying for extra marks (special consideration) for a traumatic event which didn't happen
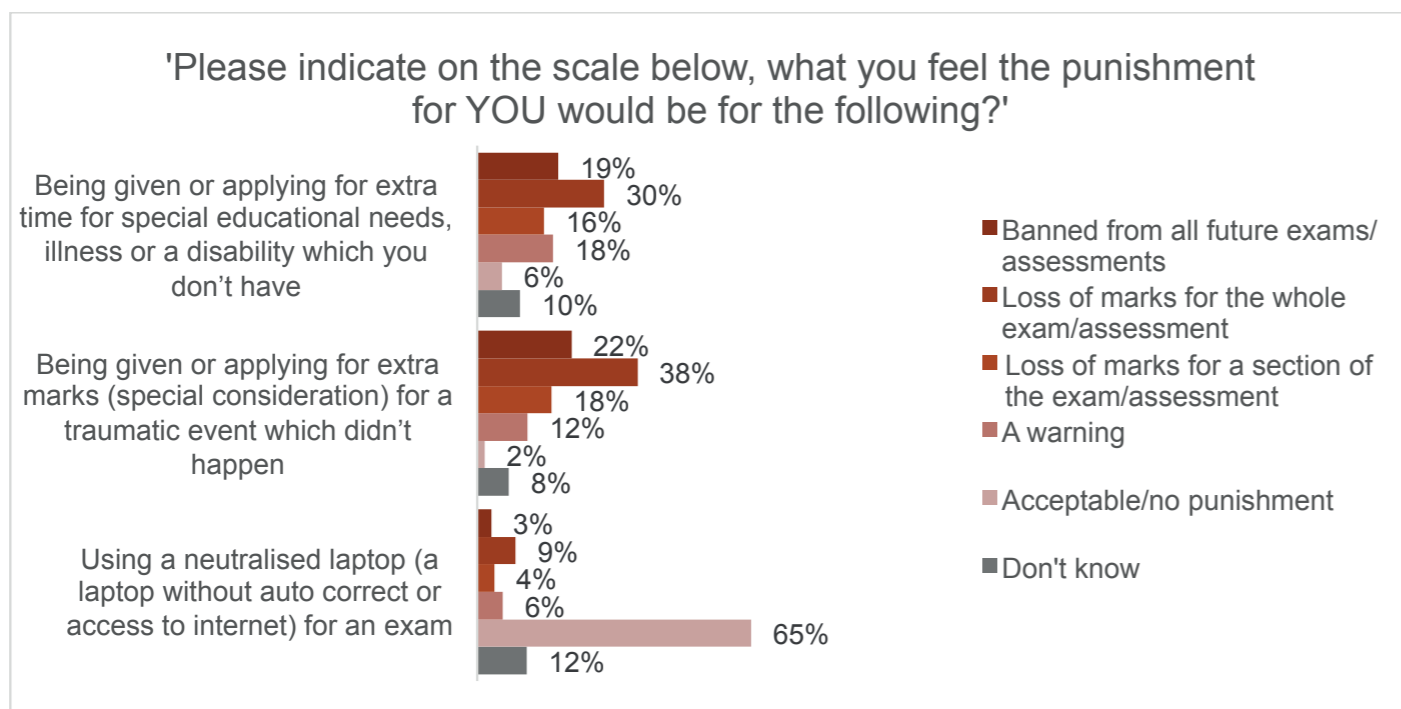
Respondents viewed being given or applying for extra marks (special consideration) for a traumatic event which didn't happen as worse than receiving extra time for special educational needs, illness or a disability which they don't have. 38% thought they would lose marks for the whole exam or assessment and 22% thought they would be banned from all future exams and assessments. Only 2% thought it was acceptable or that they would not receive a punishment.

Using a neutralised laptop (a laptop without auto correct or access to the internet) for an exam

The majority of respondents understood that using a neutralised laptop for an exam was not malpractice. 65% thought it was acceptable and they would receive no punishment. However, 9% thought they would lose marks for the whole exam.

Overall, it appears that the topic of access arrangements caused respondents more confusion than other topics covered in the research. Although most respondents were able to identify which cases were malpractice, there was limited consensus on what the appropriate punishment would be, with many respondents gravitating towards the middle options which were neither the most extreme nor the most lenient. Furthermore, a fifth incorrectly thought they would be punished for using a neutralised laptop for an exam.

Chart 4: Misuse of access arrangements

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'

Being given or applying for extra time for special educational needs, illness or a disability which you don't have Base 1,648.

Being given or applying for extra marks (special consideration) for a traumatic event which didn't happen Base 1,646.

Using a neutralised laptop (a laptop without auto correct or access to the internet) for an exam Base 1,644.

3.3.5 Difference between malpractice in exams and coursework

Respondents' perceptions of malpractice differed depending on the form of assessment, with respondents being more lenient on malpractice in coursework than exams. This may indicate a greater awareness of what constitutes malpractice under exam conditions compared with coursework malpractice, as respondents may have had less experience of coursework assessment.

Table 5 Exams and coursework

Example Case	Malpractice	% Saw it as malpractice
Looking at someone else's coursework, for ideas, before it's submitted	Yes	57%
Looking at someone else's work during an exam	Yes	98%
Allowing someone to look at their coursework before it is submitted	Yes	52%
Allowing someone to look at their work during an exam	Yes	90%
Someone else doing an exam for you	Yes	98%
Someone else doing the coursework for you	Yes	98%
Stealing someone else's coursework and saying it is your own	Yes	100%

Looking at someone else's coursework, for ideas, before it's submitted

38% thought it was acceptable or that they would receive no punishment if they looked at someone else's coursework for ideas before it was submitted. 31% thought they would receive a warning and 18% thought they would lose marks for a section of the assessment.

Looking at someone else's work during an exam

In comparison, only 1% thought they would receive no punishment for looking at someone else's work during an exam. 36% thought they would get a warning, 29% thought they would lose marks for a section of the exam and 27% thought they would lose marks for the whole exam.

In both cases, respondents underestimated the punishment compared to JCQ's advice.

If a candidate is suspected of copying from another candidate, whether that is during an exam or part of the coursework, JCQ guides that they should be disqualified from the whole assessment and potentially banned from future assessments.

Chart 5: Exams and coursework – looking at someone else's work

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'
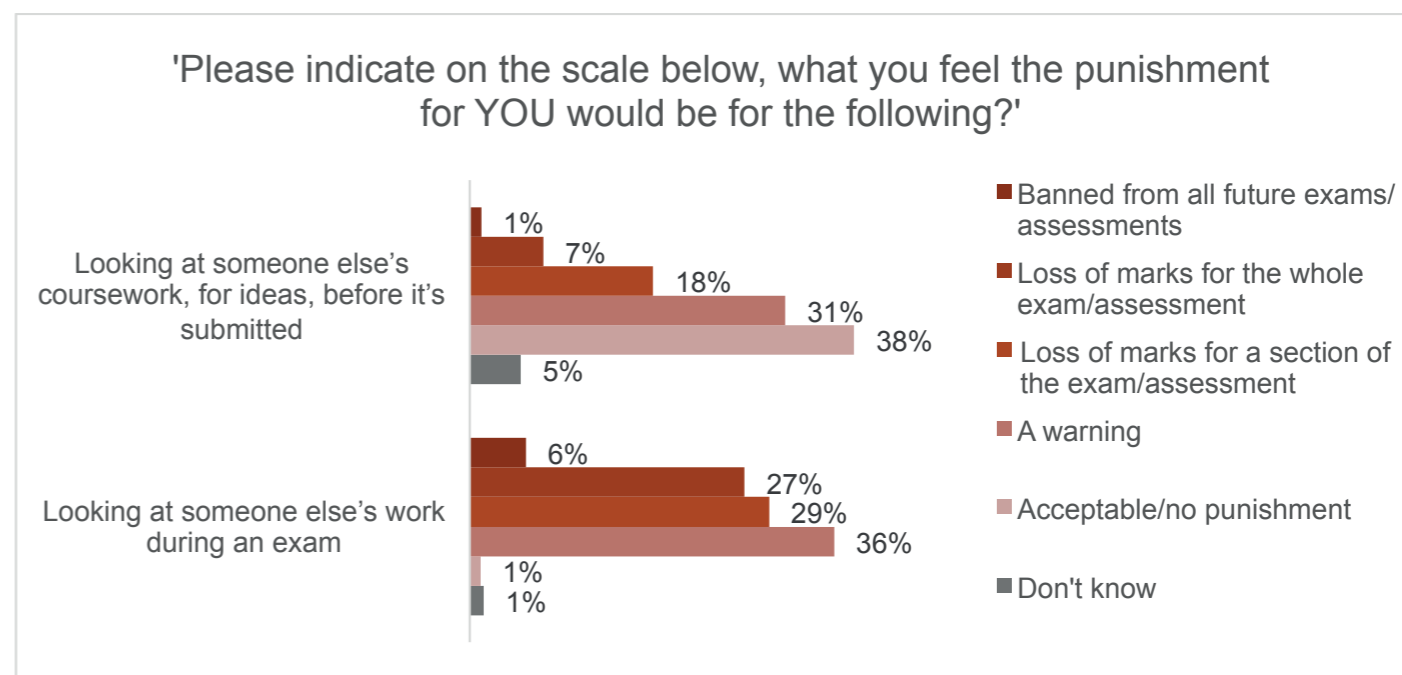
Looking at someone else's coursework, for ideas, before it's submitted Base 1,612.

Looking at someone else's work during an exam Base 1,614.

For the example cases of allowing someone else to look at their work, perceptions of malpractice were again deemed a more serious offence for exam assessments compared with coursework assignments.

Allowing someone to look at their coursework before it's submitted

The highest proportion, 42%, of respondents thought allowing someone to look at their coursework before it is submitted was acceptable and they deserved no punishment. 36% thought they would receive a warning.

Allowing someone to look at their work during an exam

49% of respondents thought they would receive a warning if they allowed someone to look at their work during an exam. 20% thought they would lose marks for a section of the exam and 17% thought they would lose marks for the whole exam.

JCQ recommends that if a candidate assists another candidate by showing them their work in an exam, or as a piece of coursework, they should lose marks for that section of the qualification.

Chart 6: Exams and coursework

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'

Allowing someone else to look at their work Allowing someone to look at your coursework before it's submitted Base 1,612.

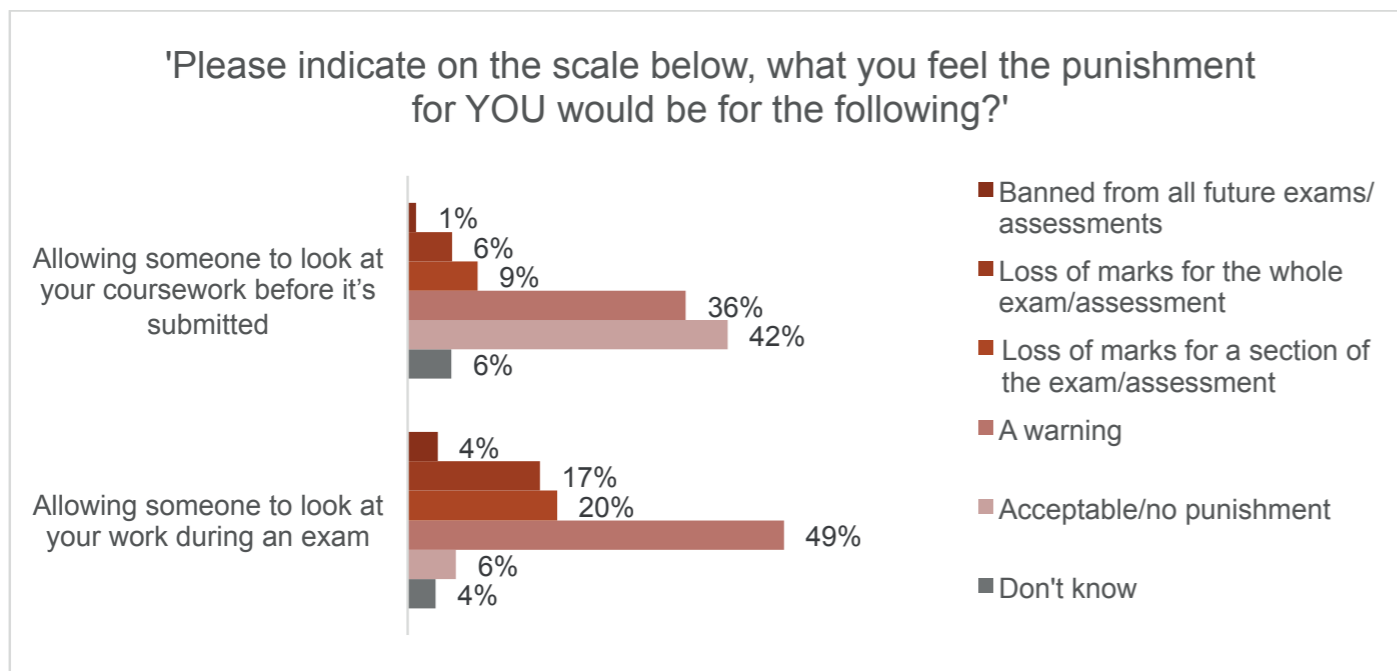*Allowing someone to look at your work during an exam Base 1,612.*

Someone else doing their work was clearly perceived as malpractice among respondents and was understood as a serious issue that would result in severe punishment. However, the extent of punishment once again differed between assessment types.

Someone else doing an exam for them

More than half of respondents, 57%, thought if someone else did the exam for them, they would be banned from all future exams and assessments. 40% thought they would lose marks for the whole assessment.

Someone else doing the coursework for them

34% thought they would be banned from all future assessments and exams if someone else did the coursework for them. A higher proportion (53%) thought they would lose marks for the whole assessment if someone else did the coursework for them.

Stealing someone else's coursework and saying it is their own

The punishment for stealing someone else's coursework and saying it is their own was assumed to be equally severe as the punishment for someone else doing an exam for them. 57% thought they would be banned from all future exams and assessments and 39% thought they would lose marks for the whole assessment.

JCQ suggests that if most or all of the work is not that of the candidate, regardless of whether it is exam or coursework, the candidate should be disqualified from the whole qualification and barred from entering future exams for a set period of time.

Chart 7: Exams and coursework – having someone else do the work for them

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'
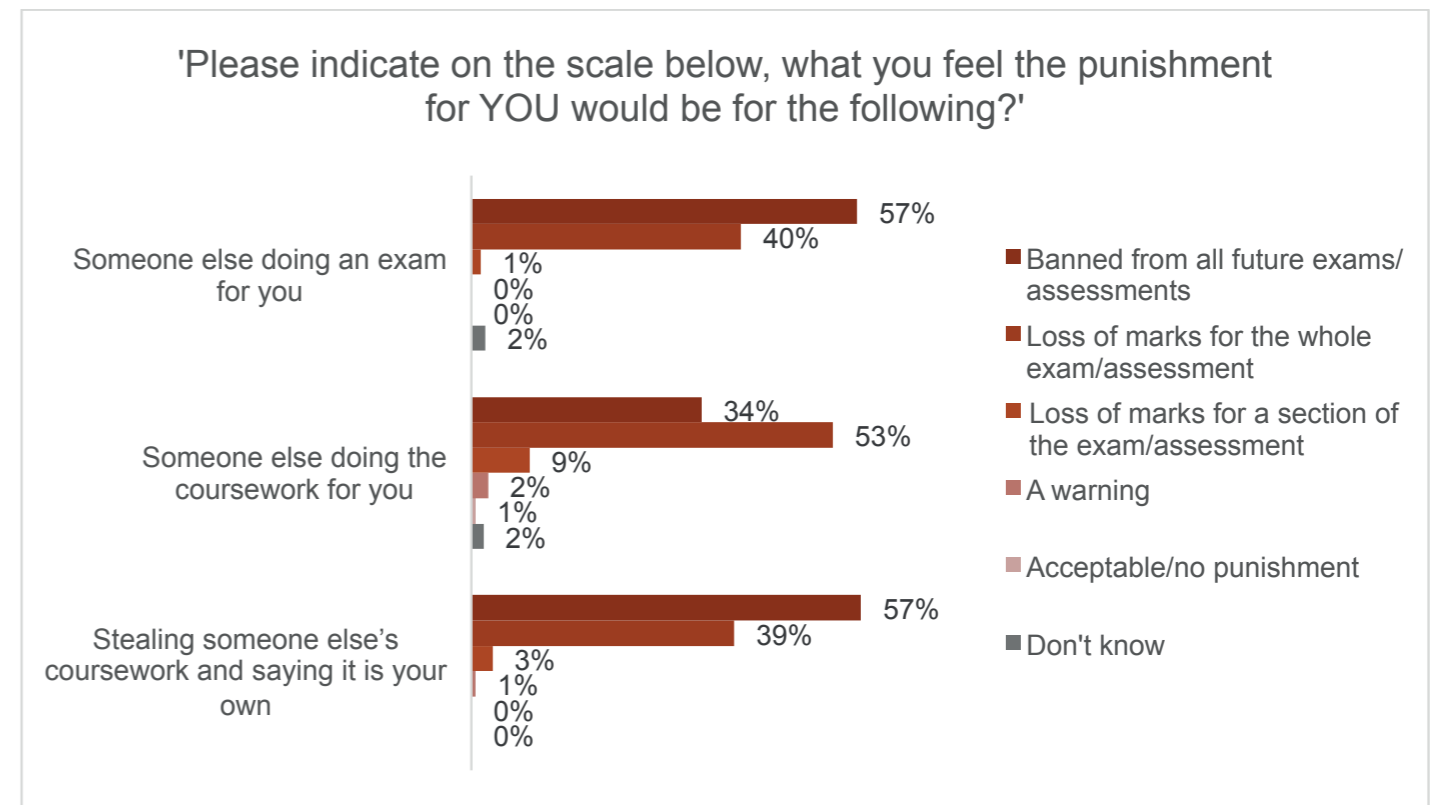
Someone else doing an exam for you Base 1,584.

Someone else doing the coursework for you Base 1,582.

Stealing someone else's coursework and saying it is your own Base 1,582.

3.3.6 Plagiarism

Most respondents recognised the example plagiarism cases as malpractice, although they underestimated the severity of the resulting consequences.

Table 6 Plagiarism

Example Case	Malpractice	% Saw it as malpractice
Working together with other students on individually assessed assignments without directly copying	Yes	50%
Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it	Yes	97%
Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it	Yes	59%

Working together with other students on individually assessed assignments without directly copying

Almost half of the respondents thought working together with other students on individually assessed assignments without directly copying was acceptable: 47% thought they would receive no punishment. A further 28% recognised it as malpractice but thought they would only receive a warning.

Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it

Plagiarism in the form of pasting ideas, work or words of other people in coursework, but not referencing it, was viewed by most as malpractice. 47% thought they would lose marks for a section of the exam or assessment and 28% thought they would receive a warning.
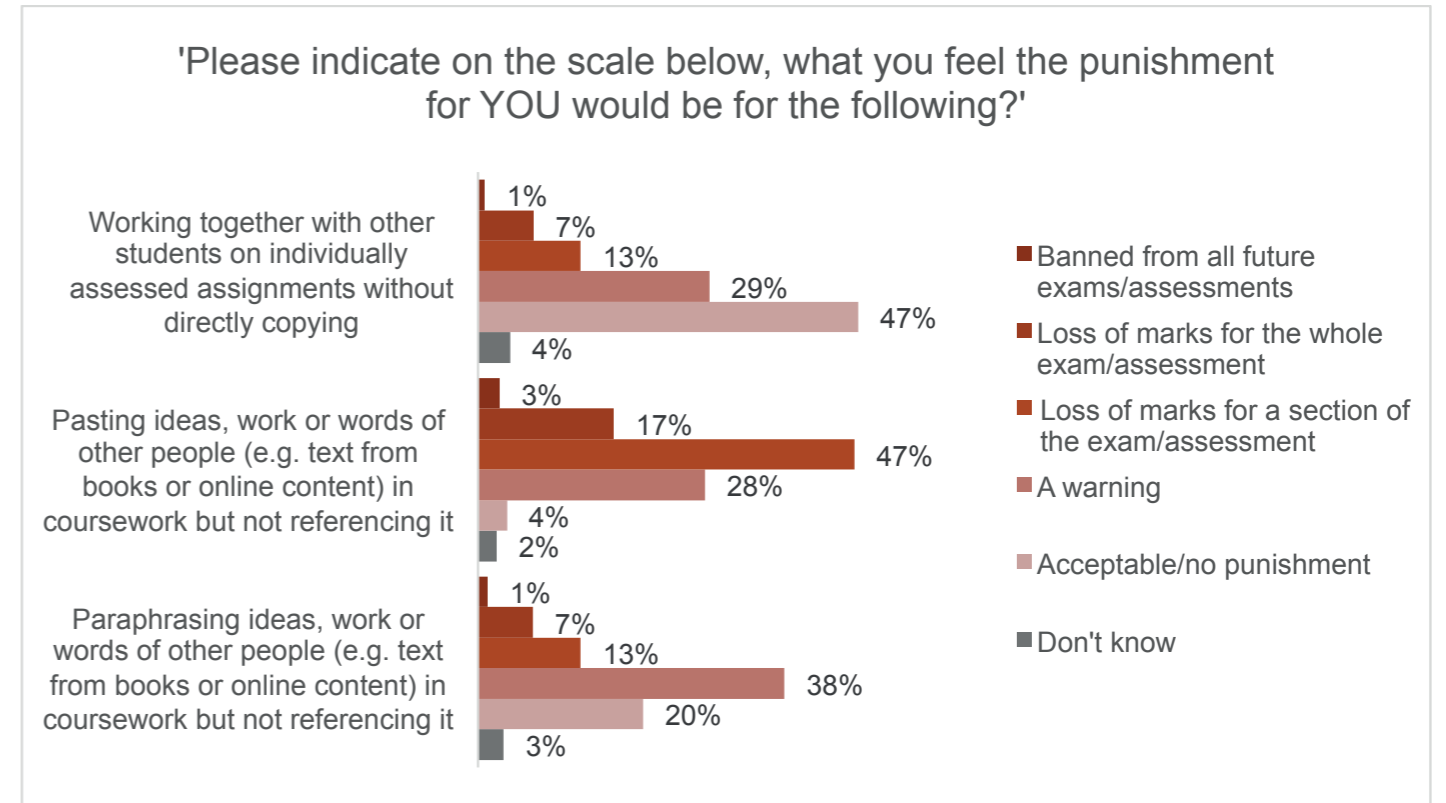
Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it

Plagiarism through paraphrasing ideas, work and words of other people in coursework without referencing it was viewed by respondents as more acceptable. 38% thought they would only receive a warning for this, 30% thought they would lose marks for a section of the exam or assessment, while 20% thought it was acceptable and they would not be punished for it.

Respondents' perceptions of punishment for collusion and plagiarism were less strict than JCQ's recommendations. JCQ suggests if collaborative work begins to affect the examiner's ability to award a fair mark to an individual candidate, the candidate should lose marks for that section of the qualification. JCQ treats plagiarism as a serious form of malpractice with punishments varying based on the extent of the plagiarism:

- For a minor amount of plagiarism, such as paraphrasing without referencing it, the candidates should lose marks for a section of the whole assessment.

- If they plagiarise extensively, for example through pasting text directly into their coursework, the candidate should be disqualified from the qualification.

Chart 8: Plagiarism

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'

Legend:
- Banned from all future exams/assessments
- Loss of marks for the whole exam/assessment
- Loss of marks for a section of the exam/assessment
- A warning
- Acceptable/no punishment
- Don't know

Working together with other students on individually assessed assignments without directly copying: 1%, 7%, 13%, 29%, 47%, 4%

Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it: 3%, 17%, 47%, 28%, 4%, 2%

Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it: 1%, 7%, 13%, 38%, 20%, 3%

Working together with other students on individually assessed assignments without directly copying Base 1,542. Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it Base 1,540.

Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it Base 1,543.

3.3.7 Other forms of malpractice

While taking prohibited material into an exam or assessment was clearly recognised as malpractice, leaving an exam early was less apparent as malpractice for many respondents.

Table 7 Other forms of malpractice

Example Case	Malpractice	% Saw it as malpractice
Taking prohibited materials (e.g. study notes, calculator with equations inside) into an exam	Yes	97%
Leaving exams early, before the exam has formally finished	Yes	44%

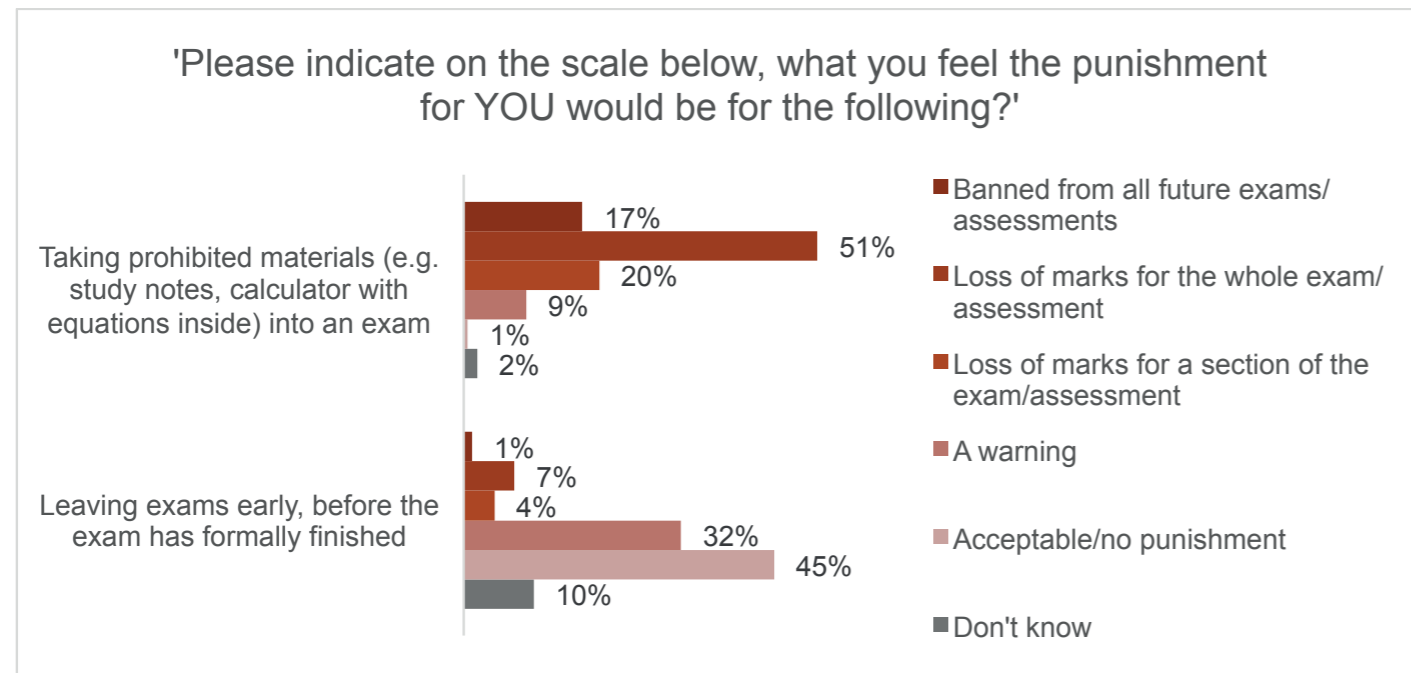#### Taking prohibited materials (e.g. study notes, calculator with equations inside) into an exam

Taking prohibited material into an exam was recognised as malpractice. 51% thought they would lose marks for the whole exam or assessment, 20% thought they would lose marks for a section of the exam and 17% thought they would be banned from all future exams and assessments. Less than 1% thought it was acceptable.

Leaving exams early, before the exam has formally finished

The highest proportion of respondents, 45%, did not perceive leaving early before the exam had formally finished as malpractice. 32% did recognise it as a minor form of malpractice, believing they would receive a warning for this.

Respondents' perceptions of the punishment for bringing prohibited materials into an exam matched with JCQ's recommendations. Their perceptions of the warranted punishment corresponded with JCQ's suggestion that candidates should be given a warning if they leave an examination early without intention to deliberately go against the regulations.

Chart 9: Other forms of malpractice

'Please indicate on the scale below, what you feel the punishment for YOU would be for the following?'

Taking prohibited materials (e.g. study notes, calculator with equations inside) into an exam
- 17%
- 51%
- 20%
- 9%
- 1%
- 2%

Leaving exams early, before the exam has formally finished
- 1%
- 7%
- 4%
- 32%
- 45%
- 10%

Legend:
- Banned from all future exams/assessments
- Loss of marks for the whole exam/assessment
- Loss of marks for a section of the exam/assessment
- A warning
- Acceptable/no punishment
- Don't know

Taking prohibited materials (e.g. study notes, calculator with equations inside) into an exam base 1,609. Leaving exams early, before the exam has formally finished base 1,610.

4.0 INSIGHTS AND RECOMMENDATIONS

For the most part, respondents recognised malpractice and understood that they would be punished for such behaviour.

However, for certain topics, such as social media usage, collusion and plagiarism, there were considerable proportions of respondents who misidentified the example cases as acceptable behaviour. This may be due to a lack of awareness as to what constitutes malpractice.

It is possible that, due to a lack of awareness, candidates could inadvertently take part in activities which are considered as malpractice by examination boards and JCQ. This could lead to serious penalties being applied to candidates who did not directly intend to behave unethically, impacting their results and their futures.

Teachers

Respondents seemed aware of what was acceptable behaviour by a teacher or other members of staff. They recognised that "Teachers giving out model answers for previous year's exams or assessments", "A teacher suggesting what questions will appear on an exam paper due to previous year's papers" and "Lessons in school or college focused entirely on a specific exam or assessment" were all acceptable behaviours. While the majority recognised "Teachers or other staff giving hints and tips during an exam or assessment" was unacceptable, concerningly 21% thought this was acceptable.

Mobile Phone use

While most respondents were aware that taking a mobile phone into an exam or assessment was malpractice, they underestimated the severity of punishment. Potentially, candidates require more information on the likely consequences of taking a mobile phone into an exam.

One in ten candidates had kept a mobile phone on them during an exam or assessment. Three-quarters of these said they kept it on them because they did not want to give it to someone else or leave it outside the assessment room. Culturally mobile phones are not only seen as communication devices, but they may also contain sensitive personal information, as well as having high monetary value. It is possible that exam candidates could wish to protect their privacy and property by keeping their phone on them.

Over two-thirds of respondents who had previously kept a mobile phone on them in an exam or assessment agreed that being able to keep their mobile phone switched off, in a clear plastic bag under their seat or on their desk, would prevent them from keeping it with them during an exam or assessment. This or a similar practice could be considered as a way to reassure candidates that their mobile phone is secure, without compromising the integrity of the examination or assessment.

Social media

Although the majority of respondents understood that using social media for sharing or finding out exam questions beforehand was malpractice, 17% of respondents falsely thought it was acceptable to use social media to find out exam questions before an exam. Additionally, there was low awareness that sharing exam information after an assessment on social media is not considered malpractice, only half of the respondents recognised this as acceptable behaviour.

Social media usage appears to be an area that could be explored further. In particular, what, in relation to the current climate of social media usage among young people, should count as malpractice and what punishment is suitable under the circumstances. Additionally, candidates may require more guidance about what information is acceptable to share online, whether in group chats or on social media sites.

Access agreements

There seemed to be a good understanding of what would and wouldn't be malpractice surrounding access agreements, with respondents feeling more severe punishments would be appropriate for those who requested special consideration/extra marks for a traumatic event which didn't happen than the extra time when it was not needed. However, there did appear to be some confusion and there was limited consensus on the deserved punishment for the cases of malpractice. Additionally, one-fifth of respondents misidentified using a neutralised laptop as malpractice.

Where malpractice is well documented / 'obvious'

Respondents were clearly aware that 'obvious' or well-documented forms of malpractice were indeed malpractice. For example, for exams/assessment, copying, taking in restricted materials, or sitting a test for someone else were all understood to be malpractice. Similarly, for coursework, passing someone else's work off as their own and plagiarism were understood by the majority to be malpractice.

However, in many cases, the severity of punishment for these actions was underestimated. For example, three in ten thought they would only receive a warning for looking at someone else's work in an exam.

Identifying what constitutes malpractice and the severity of it appeared to be most unclear in relation to coursework, as respondents more easily recognised malpractice under exam conditions than for coursework assessments. Almost all respondents recognised that looking at someone else's work in an exam (98%) was malpractice, but only 57% identified looking at someone else's coursework for ideas before it was submitted as malpractice.

Similarly, 90% recognised that allowing someone else look at their work in an exam (90%) was malpractice, compared to just 52% who recognised that allowing someone else to see their coursework before it was submitted was malpractice.

Collusion and Plagiarism

For many of the respondents, the point at which collaboration becomes malpractice was not fully understood. Only half of the respondents recognised working together with other students on individually assessed assignments as malpractice.

They also appeared unaware of the severity of punishment for plagiarism. For example, over a quarter thought they would only receive a warning for pasting ideas, work or words of other people into their coursework without referencing it, while a fifth of respondents thought it was acceptable to paraphrase without referencing.

5.0 REFERENCES

Joint Council for Qualifications, 2018. *General and vocational qualifications suspected malpractice in examinations and assessments policies and procedures 1 September 2018 to 31 August 2019:* Joint Council for Qualifications.

Joint Council for Qualifications, 2018. *Instructions for conducting examinations 1 September 2018 to 31 August 2019*: Joint Council for Qualifications.

Ofqual, 2018a. *Malpractice for GCSE, AS and A level; Summer 2018 exam series*, Coventry: Ofqual.

Ofqual, 2018b. *Access Arrangements for GCSE, AS and A level 2017 to 2018 academic years*, Coventry: Ofqual.

INVITATION TO PARTICIPATE (EMAIL)

Subject line:

"*Tell us your opinions on exams and assessments for a chance to win a £20 Amazon voucher*"

Message body:

"Hi,

We are conducting some research with the JCQ (the Joint Council for Qualifications) about what is ok and what is not ok during exams and assessments. We're really keen to hear what you think about this.

Please complete our online survey which will take up to 10 minutes and as a thank you for taking part you can enter our prize draw for a chance to win one of three £20 Amazon vouchers!

If you are interested in taking part please click on the button to complete the online survey.

We look forward to hearing from you!"

Take the Survey

FULL SURVEY

Notes on the survey:

THANK AND CLOSE means the response does not meet the target population criteria (see **2.1.1**) and thus they are screened out from the survey. **Route to Q…** indicates that the respondent is routed to the next relevant question, and thus does not respond to any inapplicable questions.

Survey title: Research into exams and assessment

Page 1: Welcome!

Hi and thank you for taking an interest in our survey!

The Student Room is working with the JCQ (the Joint Council for Qualifications) to help them to understand students' perceptions of what is ok and what is not ok during exams and assessment.

JCQ work with exam boards and monitor malpractice.

Malpractice is when someone does something which might give you as a student an unfair advantage in an exam or assessment.

There are no right or wrong answers, we want to understand what you think and why!

Any personal information you provide will only be used for research purposes and will not be used in any marketing activity. Personal details will not be shared with any other organisations and all data will be stored securely and confidentially. You may request to access and view your personal information.

This survey was created in Survey Monkey. Please refer to the Survey Monkey legal pages for more information by clicking either here or at the foot of the page.

If you have any questions about the survey, or anything else, please feel free to drop us a line at: hello@vincentconsulting.co.uk

Please click 'Next' below to start the survey.

Page 2

1. **How old are you?**

   a. 15 or under **(THANK AND CLOSE)**
   b. 16
   c. 17
   d. 18
   e. 19
   f. 20 or over **(THANK AND CLOSE)**
   g. Prefer not to say **(THANK AND CLOSE)**

Page 3

2. **I identify my gender as…**

   a. Male
   b. Female
   c. Other
   d. Prefer not to say

Page 4

3. **Where do you live?**

   a. England
   b. Scotland **(Route to Q5)**
   c. Wales **(Route to Q5)**
   d. Northern Ireland **(Route to Q5)**
   e. Isle of Man **(Route to Q5)**
   f. Channel Islands **(Route to Q5)**
   g. Outside the UK **(THANK AND CLOSE)**

Page 5

4. **Which region do you live in?**

   a. South West
   b. South East
   c. Greater London
   d. East of England
   e. East Midlands
   f. West Midlands
   g. Yorkshire and Humberside
   h. North West
   i. North East

Page 6

5. Do you consider yourself to be a disabled person?

   a. Yes
   b. No
   c. Prefer not to say

6. Do you consider yourself as having special educational needs?

   a. Yes
   b. No
   c. Prefer not to say

Page 7

7. What type of school or college do, or did you attend? If you have attended more than one type of school or college, please select the most recent.

   a. State maintained school
   b. Independent (private) school
   c. 6th form college
   d. FE college
   e. Other
   f. Don't know

8. Which of the following best describes where you are now?

   a. Year 11 (England and Wales), Year 12 (Northern Ireland) S4 (Scotland) **(THANK AND CLOSE)**
   b. Year 12 (England and Wales), Year 13 (Northern Ireland), S5 (Scotland)
   c. Year 13 (England and Wales), Year 14 (Northern Ireland), S6 (Scotland)
   d. I am currently on a gap year **(route to question 10)**
   e. I am currently on an apprenticeship or vocational course
   f. Year 0 (Foundation) of a university or HE college course **(route to question 10)**
   g. Year 1 of an undergraduate university or HE college course **(route to question 10)**
   h. I am in employment **(route to question 10)**
   i. I am unemployed **(route to question 10)**
   j. Other **(THANK AND CLOSE)**

Page 8

9. Which of these options best describes what you are currently studying at school or college?

   a. AS / A Levels
   b. GCSE
   c. Scottish Highers
   d. BTEC / Cambridge Technicals
   e. Vocational Course (e.g. NVQs)
   f. International Baccalaureate
   g. Other **(THANK AND CLOSE)**

Page 9

10. Please tell us the most recent exams or assessments you took? If you have taken a combination, please select the largest proportion of your exams or assessments at that time.

For example, if it was mostly A levels, with one BTEC, please indicate 'AS / A Levels' below.

   a. AS / A Levels
   b. GCSE
   c. Scottish Highers
   d. BTEC / Cambridge Technicals
   e. Vocational course (e.g. NVQs)
   f. International Baccalaureate
   g. Other **(THANK AND CLOSE)**

Page 10 – Influence of teachers

Do you think the following are acceptable?

Scale:

   1. Yes
   2. No
   3. Not sure

11. Lessons in school/college focused entirely on a specific exam/assessment

12. Teacher suggesting what questions will appear on an exam paper due to previous year's papers

13. Teacher giving out model answers for previous year's exam/assessment

14. Teachers or other staff giving hints and tips during the exam/assessment

Page 11 – Electronic devices, phones and social media

Please indicate on the scale below, what you feel the punishment for YOU would be for the following?

Scale:

1. Acceptable/no punishment
2. A warning
3. Loss of marks for a section of the exam/assessment
4. Loss of marks for the whole exam/assessment
5. Banned from all future exams/assessments
6. Don't know

15. Taking a mobile phone into an exam to use it with the intention to cheat

16. Taking a mobile phone into an exam but not intending to use it at all

17. Using social media to find out exam questions beforehand

18. Sharing 'leaked' exam questions on social media before an exam

19. Sharing exam questions on social media after completing an exam

20. Have you ever kept a mobile phone with you during an exam or assessment?

    a. Yes
    b. No **(route to question 23)**
    c. Prefer not to answer **(route to question 23)**

Page 12 – Mobile phones

21. Did you take a mobile phone into an exam or assessment because you didn't want to give it to someone else or leave it outside?

    a. Yes
    b. No
    c. Prefer not to answer

22. Would being allowed to keep your mobile phone switched off in a clear plastic bag under your seat or on your desk, stop you from keeping it with you during an exam or assessment?

    a. Yes
    b. No

Page 12 – Access arrangements

The following questions relate to access arrangements.

Access arrangements allow candidates with specific needs, such as special educational needs, disabilities or temporary injuries, to access the exam or assessment and show what they know.

The intention behind an access arrangement is to meet the particular needs of an individual candidate without affecting the integrity of the assessment.

When applied correctly, access arrangements are fair and in no way malpractice or cheating.

Please indicate on the scale below, what you feel the punishment for YOU would be for the following?

Scale:

1. Acceptable/no punishment
2. A warning
3. Loss of marks for a section of the exam/assessment
4. Loss of marks for the whole exam/assessment
5. Banned from all future exams/assessments
6. Don't know

23. Being given extra time for special educational needs, illness or disability which you don't have

24. Being given extra marks (special consideration) for a traumatic event which didn't happen

25. Using a neutralised laptop (a laptop without auto correct or access to the internet) for an exam

Page 13 – More obvious malpractice

Please indicate on the scale below, what you feel the punishment for YOU would be for the following?

Scale:

1. Acceptable/no punishment
2. A warning
3. Loss of marks for a section of the exam/assessment
4. Loss of marks for the whole exam/assessment
5. Banned from all future exams/assessments
6. Don't know

26. Looking at someone else's work during an exam

27. Looking at someone else's coursework, for ideas, before it's submitted

28. Allowing someone to look at your work during an exam

29. Allowing someone to look at your coursework before it's submitted

30. Leaving exams early, before the exam has formally finished

31. Taking notes (e.g. study notes, calculator with equations inside) into an exam

Page 14 – Passing off someone else's work as your own

Please indicate on the scale below, what you feel the punishment for YOU would be for the following?

Scale:

    1. Acceptable/no punishment
    2. A warning
    3. Loss of marks for a section of the exam/assessment
    4. Loss of marks for the whole exam/assessment
    5. Banned from all future exams/assessments
    6. Don't know

32. Someone else doing an exam for you

33. Someone else doing the coursework for you

34. Stealing someone else's coursework and saying it is your own

Page 15 – Plagiarism

Please indicate on the scale below, what you feel the punishment for YOU would be for the following?

Scale:

    1. Acceptable/no punishment
    2. A warning
    3. Loss of marks for a section of the exam/assessment
    4. Loss of marks for the whole exam/assessment
    5. Banned from all future exams/assessments
    6. Don't know

35. Working together with other students on individually assessed assignments without directly copying

36. Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it

37. Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it

Page 16

Thank you so much for taking part in our survey, your views are really important to us.

Please click 'Done' below to submit your answers and this will lead you to the prize draw entry page.

A quick reminder: Any personal information you have provided will only be used for research purposes and (if applicable) for running the prize draw and will not be used in any marketing activity. Personal details will not be shared with any organisations other than TSR. All data from this research will be stored securely and confidentially.

If you have any questions about the survey, or anything else, please feel free to drop us a line at: **hello@vincentconsulting.co.uk**

Please click 'Done' below to submit the survey

PROFILE OF RESPONDENTS

Gender

Of 1,838 respondents:

74% were female

24% were male

1% were trans

1% preferred not to say.

Age

Of 1,844 respondents:

17% were aged 16

44% were aged 17

29% were aged 18

10% were aged 19

Location (UK country)

Of 1,837 respondents:

86% were living in England

7% were living in Wales

3% were living in Northern Ireland

4% were living in Scotland

<0.5% were living on the Channel Islands

<0.5% were living on the Isle of Man.

Location (England region)

Of 1,557 respondents:

20% were living in the South East

18% were living in Greater London

12% were living in the South West

12% were living in the North West

11% were living in the West Midlands

10% were living in the East Midlands

8% were living in Yorkshire and Humberside

5% were living in the East of England

5% were living in the North East.

Disability

Of 1,826 respondents:

3% considered themselves disabled

95% did not consider themselves disabled

2% preferred not to say.

Special Educational Needs

Of 1,825 respondents:

7% considered themselves to have special educational needs

91% did not consider themselves special educational needs

2% preferred not to say.

School type

Of 1,811 respondents, responses to the question "What type of school or college will /do/did you attend?" were as follows:

50% 6th form college

33% State maintained school

5% FE college

9% Independent (private) school

3% 'other'.

2% don't know

Life stage

Of 1,802 respondents:

29% were in Year 12 (England and Wales), Year 13 (Northern Ireland)

55% were in Year 13 (England and Wales), Year 14 (Northern Ireland)

4% were on a gap year

<1% were on an apprenticeship or vocational training course

<1% were in Year 0 (Foundation) of an undergraduate university or HE college course

10% were in Year 1 of an undergraduate university or HE college course

<1% were in employment

Qualifications

Of 1,789 respondents, responses to the question "Please tell us the most recent exams or assessments you took?" were as follows:

53% A-levels

39% GCSE

3% Scottish Highers

4% BTEC / Cambridge Technicals

<0.5% Vocational Course (e.g. NVQs)

<0.5% International Baccalaureate

EXAMPLE CASES OF POTENTIAL MALPRACTICE

The table below lists all the example cases used in the research and indicates which are forms of malpractice according to JCQ's policies and procedures document (Joint Council for Qualifications, 2018). Additionally, it includes the percentage of respondents who thought the example cases were forms of malpractice.

Example Case	Malpractice	% Saw it as malpractice
Teachers or other staff giving hints and tips during an exam or assessment	Yes	72%
Teachers giving out model answers for previous year's exams or assessments	No	2%
A teacher suggesting what questions will appear on an exam paper due to previous year's papers	No	10%
Lessons in school or college focused entirely on a specific exam or assessment	No	20%
Taking a mobile phone into an exam but not intending to use at all	Yes	91%
Taking a mobile phone into an exam to use it with the intention to cheat	Yes	99%
Using social media to find out exam questions beforehand	Yes	74%
Sharing 'leaked' exam questions on social media before an exam	Yes	85%
Sharing exam questions on social media after completing an exam	No	41%
Being given or applying for extra time for special educational needs, illness or a disability which you don't have	Yes	83%
Being given or applying for extra marks (special consideration) for a traumatic event which didn't happen	Yes	90%
Using a neutralised laptop (a laptop without auto correct or access to the internet) for an exam	No	22%
Looking at someone else's coursework, for ideas, before it's submitted	Yes	57%
Looking at someone else's work during an exam	Yes	98%
Allowing someone to look at their coursework before it is submitted	Yes	52%
Allowing someone to look at their work during an exam	Yes	90%
Someone else doing an exam for you	Yes	98%
Someone else doing the coursework for you	Yes	98%
Stealing someone else's coursework and saying it is your own	Yes	100%
Working together with other students on individually assessed assignments without directly copying	Yes	50%
Pasting ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it	Yes	97%
Paraphrasing ideas, work or words of other people (e.g. text from books or online content) in coursework but not referencing it	Yes	59%
Taking prohibited materials (e.g. study notes, calculator with equations inside) into an exam	Yes	97%
Leaving exams early, before the exam has formally finished	Yes	44%

Appendix 6: Survey results and response from SENCOs and Access Arrangements assessors

Introduction

At practitioner/operational level, there are some concerns around equality of access to testing and to access arrangements in practice across different schools. A questionnaire on Access Arrangements, conducted for the Malpractice Commission and circulated by nasen/Whole School SEND, received 145 responses from current practitioners involved in either the testing or the administration process (or both) across the secondary and post-16 sectors. The questionnaire sought to uncover whether there were any trends in relation to equality of access. The data collated by the Access Arrangements survey sought to ascertain information about educational testing for Access Arrangements, as well as the administrative process for those with a medical diagnosed condition.

Background to the research

Prior to designing the survey, the following was known by nasen/Whole School SEND:

- The costs associated with assessing for Access Arrangements are high (ranging from £100-£500 for initial purchase of assessment materials and then £2-£3.50 per assessment form; several different forms can be used per student during their assessment).

- The tests are standardised on an American population, which makes them less reliable assessing a UK population.

- In order to be able to assess, a practitioner must be qualified in administering and analysing test data. Some practitioners may be qualified through a Level 7 course, which can take two years to complete part-time and enables them to use tests diagnostically; some choose to complete shorter qualifications which enable practitioners to administer and use test results for assessment purposes (rather than diagnostic). Both qualification routes are expensive in terms of the cost of qualification and the time needed to complete the courses.

Data extrapolated from the National SENCO Workload Survey (Curran, H., Moloney, H., Heavey, A., Boddison, A., 2018):

- 10% of secondary SENCOs in maintained schools are qualified to assess for Access Arrangements, as opposed to 34% in the independent sector* (*unpublished data).

- Nearly half of all primary SENCOs (46.5%) and over a third of secondary SENCOs (36%) stated that they had two days or less per week to focus on the role.

- 70% of all SENCOs stated that they do not have enough time to complete the demands of the role with nearly three quarters (74%) stating that they frequently feel frustrated by the lack of time to undertake the role.

Aims of the survey for the Malpractice Commission

The research team pursued information specifically related to the Access Arrangements process and workload associated with the role, which centred on questions relating to:

- The average percentages of students assessed for Access Arrangements in each setting.

- The time and costs associated with assessing for Access Arrangements.

- The range of tests available to assess, and schools' use of these.

- The strengths and weaknesses of the current system in order to suggest recommendations to help effect change.

Numbers of students assessed for Access Arrangements in each setting
Qu: On average, what percentage of the year group are assessed for GCSE Access Arrangements?

Maintained schools	All schools		Larger than average		Average		Smaller than average	
	SENCO +AQ	SENCO -AQ	SENCO +AQ	SENCO -AQ	SENCO +AQ	SENCO -AQ	SENCO +AQ	SENCO -AQ
Less than 5%	0.00	8.33	0.00	0.00	0.00	11.11	0.00	*40.00*
Between 5-10%	19.51	*27.78*	0.00	*33.33*	*41.67*	22.22	*50.00*	20.00
Between 10-15%	*24.39*	22.22	*34.78*	*19.05*	16.67	*33.33*	0.00	0.00
Between 15-20%	14.63	16.67	17.39	*19.05*	8.33	11.11	*16.67*	20.00
Between 20-25%	*21.95*	2.78	*26.09*	4.76	*25.00*	0.00	0.00	0.00
Between 25-30%	2.44	5.56	4.35	9.52	0.00	0.00	0.00	0.00
Between 30-35%	4.88	5.56	0.00	4.76	0.00	11.11	33.33	0.00
Between 35-40%	4.88	2.78	8.70	4.76	0.00	0.00	0.00	20.00
Over 40%	2.44	8.33	0.00	4.76	8.33	11.11	0.00	0.00
Over 50%	4.88	0.00	8.70	0.00	0.00	0.00	0.00	0.00

SENCO +AQ = SENCOs with a qualification to assess. SENCO -AQ = SENCOs without a qualification to assess

Cumulative Data	State Schools	
	SENCO +AQ	SENCO -AQ
Up to 5%	0.00	8.33
Up to 10%	19.51	36.11
Up to 15%	43.9	58.33
Up to 20%	58.53	75.00
Up to 25%	80.48	77.78
Up to 30%	82.92	83.34
Up to 40%	92.68	88.90

This data would suggest that the size of school and the level of qualification of the SENCO can both have implications on the numbers of young people assessed within each setting.

Time and costs associated with assessing for Access Arrangements

Qu: How long, on average, would you say the total ASSESSMENT part of the process takes you, per person?
(Include scoring as part of the assessment time)

The following data only comes from SENCOs in schools conducting Access Arrangements assessments
(rather than external assessors conducting diagnostic testing)

Time taken	Percentage
0-30 mins	8.62
30-60 mins	27.59
60-90 mins	*32.76*
90-120 mins	5.17
2 hours +	17.24
3 hours +	6.90
4 hours +	1.72

Qu: How long would you say the ADMINISTRATIVE part of the process takes, including gathering evidence and information from teachers, writing the Form 8 and submitting the application through AAO (Access Arrangements Online), per person?

Time reported for completing the administration process (collecting evidence and AAO): (data set from SENCOs qualified to assess)

Time taken	Percentage
0-30 mins	3.45
30-60 mins	*24.14*
60-90 mins	18.97
90-120 mins	17.24
2 hours +	17.24
3 hours +	6.90
4 hours +	12.07

Qu: What is your hourly pay?

• 55.36% of those questioned earned between £30-£40 per hour.

Taking into consideration the broad data above, the cost of assessing a student is likely to be in the range of £75-£100+ per student, not including the cost of assessment materials; or the cost of implementing the Access Arrangements in practice.

The range of tests available and schools' use of these

Qu: Which assessment tools do you have available for your use? Please tick all that apply.

Test:	SENCOs +AQ	SENCOs -AQ	Specialist assessor based in one school / setting	Independent specialist assessor
ART-2	15.52	2.38	33.33	36.00
BEERY	6.90	4.76	27.78	64.00
CTOPP-2	*81.03*	*57.14*	*83.33*	*92.00*
DASH/DASH 17+	*93.10*	*64.29*	*94.44*	*92.00*
DRA	12.07	9.52	44.44	24.00
GORT-5	17.24	21.43	16.67	*64.00*
GSRT	3.45	0.00	5.56	12.00
KTEA-3	3.45	0.00	0.00	20.00
LUCID	*43.10*	*47.62*	66.67	32.00
SDMT	25.86	7.14	50.00	48.00
TOMAL-2	*36.21*	26.19	*72.22*	*64.00*
TOWRE-2	27.59	*33.33*	55.56	*72.00*
WIAT-3	18.97	26.19	38.89	*84.00*
WISC-V	0.00	7.14	5.56	48.00
WRAML-2	1.72	4.76	11.11	20.00
WRAT-4	65.52	52.38	66.67	60.00
WRAT-5	24.14	28.57	27.78	36.00
WRMT-3	0.00	2.38	11.11	4.00
YARC	22.41	16.67	33.33	56.00

Those italicised are the highest scoring, most popular tests used.

Other Tests Reported

WIAT -2, GL Dyslexia Assessment Pack, NGRT, Vernon, Access Reading, Ravens, Sparcs, WRIT, RAN/RAS. ARC, DTVP-A, AAB.

Well-resourced schools (schools which have a SENCO/specialist qualified to assess) have access to more tests than schools who do not, thereby, enabling them to assess more widely. This is likely to increase the chance of a student's needs being formally recognised and Access Arrangements being given.

In free responses, some participants stated that they were using tests which are not current and are considered obsolete and some are not on the list of approved JCQ tests. This may suggest that some practitioners are giving Access Arrangements based on results which are no longer considered valid data.

The strengths and weaknesses of the current system in order to suggest recommendations to help effect change

Qu: What are the strengths of the current Access Arrangements system? (statement and free responses).

- Confidence is high regarding knowledge of arranging AAs for pupils (75.93%).

- Most arrangements are given because there is a history of need (85.71% of SENCOs rely on this as a major factor in testing).

- Staff information and requests play a significant part in referrals to assess (66.67% of SENCOs are influenced by staff request) which suggests the process is wider than just the SENCO.

- SENCOs feel supported and protected by the fact that parents cannot contact JCQ directly.

- The Orange book is helpful.

- The process is rigorous, which makes it more reliable.

- There is a good range of tests that can be used.

Qu: What are the weaknesses in the current Access Arrangements system? (statement and free responses)

- SENCOs can often find themselves under pressure from parents and staff to give/test for Access Arrangements (66.66%).

- Lack of time is a major hindrance to effective completion of Access Arrangements (76.19% do not have enough time to complete the AA testing).

- Paperwork is often considered excessive and long-winded (Only 28.57% like the Form 8; there are storage and environmental issues around the amount of paper used).

- Room and staffing availability (rather than need) causes some SENCOs to consider whether they give certain AAs, e.g. the provision of a scribe.

- Having to make different applications for different boards/exam types causes some SENCOs to feel frustrated.

- There is too much paperwork involved (gathering evidence – time, storage, environmental issues)

- Testing, administering and facilitating Access Arrangements is a very expensive process with wide-reaching implications, which are not always well-supported or received by those with less knowledge of the system.

- Relying on teachers' views and feedback relies on teachers knowing what to look for and on their observations. This is not always consistent or effective. Lack of teacher training in this, particularly around higher ability students and SEND so bright children can slip through the net.

- Time taken to complete AAs has knock-on effect on workload elsewhere (lesson planning and taking work home cited).

- Access Arrangements paperwork is not valid evidence at university.

SUMMARY OF RECOMMENDATIONS TO REDUCE MALPRACTICE AND 'LEVEL THE PLAYING FIELD'

Based on the survey results, nasen/Whole School SEND makes the following recommendations to the Malpractice Commission:

- Review the qualifications needed to assess for Access Arrangements to find a way of improving distribution of qualified assessors/access to being tested;

- SENCOs should have adequate time to complete the demands of the role, in terms of their responsibilities in carrying out Access Arrangements;

- Schools should have better access to technology to support further independence and equality of provision (e.g. laptops and voice dictation instead of human scribes);

- AAO and JCQ should cover all boards and qualifications to avoid repetitive applications, including at university level;

- As part of the Orange Book, the JCQ should publish annually the list of permitted tests to avoid use of illegitimate or obsolete tests in AAO applications;

- The government should fund the development of UK standardised tests, disseminated free for use in schools and colleges;

- It should be acknowledged by schools and colleges that students, especially those of higher ability, should not be excluded from being tested for Access Arrangements;

- The review of Form 8 to improve efficiency of administration;

- The centralisation of AAO to make data sharing between institutions easier and more reliable;

- JCQ to offer annual training/updates to SENCOs and SLTs through a national SENCO and Headteacher communication database.