Joint Council for Qualifications CIC

Suspected Malpractice Policies and Procedures

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Key changes for 2026-27

Page number	Section	Paragraph	Summary of change
3	Introduction		Updated to clarify the intended audience, identify key centre roles that should be familiar with the document, and promote the proactive use of the guidance to help prevent malpractice and support regulatory compliance.
4	Individuals involved in malpractice	1.4	Updated the list of individuals who may be involved in malpractice to explicitly include Heads of Centre, members of the Senior Leadership Team (SLT).
16	Joint awarding organisation investigations	4.18-4.20	New sections have been added to explain how malpractice cases will be managed where the same allegations affect more than one awarding organisation. The guidance clarifies how investigations, decision-making and appeals will be coordinated across awarding organisations.
17	Information gathering during malpractice investigations	5.6-5.7	The guidance has been updated to clarify the arrangements for gathering information during malpractice investigations. For candidate malpractice cases, Heads of Centre may appoint a staff member to gather information without first obtaining agreement from the awarding organisation, provided any potential conflicts of interest are appropriately considered. Separate arrangements continue to apply to other types of malpractice investigations.
19	Delegated information gathering	5.13	Updated to signpost centres to Appendix 11, which provides additional guidance on supporting the safeguarding and wellbeing of centre staff and candidates during a suspected malpractice case.
22	Rights of accused individuals	5.35	Updated to clarify that, where multiple individuals are involved in the same malpractice incident, centres must provide the awarding organisation with copies of the redacted documentation provided to each individual.
24	Summary procedure	6.1	Updated to clarify the circumstances in which a summary procedure may be used. The guidance now explains that the evidence must appear conclusive as to the nature of the malpractice and who was responsible. It also confirms that a summary procedure may be applied at any stage of an investigation.
43	Appendix 2 Examples of malpractice	Part 2: Candidate malpractice	Updated to clarify that malpractice includes altering or falsifying results documentation, including certificates, as well as using or allowing the use of altered or falsified results documentation.
48	Appendix 5 Indicative sanctions against centre staff		New guidance has been introduced setting out indicative suspension periods for centre staff and Heads of Centre found to have committed malpractice. The guidance provides examples of the factors that may be considered when determining the seriousness of an offence, including the scale and duration of the malpractice, its impact on candidates and qualifications and the extent to which a Head of Centre fulfilled their responsibilities.
50	Appendix 6 Indicative sanctions against candidates	Breaches of examination conditions	New examples added covering the use of a word processor, computer or laptop to access, or attempt to access, unauthorised material or the internet during an examination.

Page number	Section	Paragraph	Summary of change
52	Appendix 6 Indicative sanctions against candidates	Undermining the integrity of the examinations / assessments	Updated to clarify that malpractice includes altering or falsifying results documentation, including certificates, as well as using or allowing the use of altered or falsified results documentation.
66	Appendix 8 JCQ M1 Suspected candidate malpractice	Supporting information	Updated to clarify the requirements for submitting supporting information with a malpractice report. Centres should normally submit all relevant information and materials with the initial report but may identify any further evidence that is expected to follow and provide details of when it will be submitted.
79	Appendix 11 Guidance on Supporting the Safeguarding and Wellbeing of Centre Staff and Candidates During a Suspected Malpractice Case	Embedding Safeguarding in Investigations	Appendix 11 has been substantially expanded to provide additional guidance on safeguarding and wellbeing considerations during malpractice investigations. New content includes guidance on supporting individuals at key stages of an investigation, recognising and responding to safeguarding sensitivities, communicating with individuals in an accessible and appropriate manner, identifying and implementing suitable support arrangements and signposting centres to external support services and agencies.
85	Appendix 11 Guidance on Supporting the Safeguarding and Wellbeing of Centre Staff and Candidates During a Suspected Malpractice Case	Conducting the Interview	Updated to clarify that individuals should be presented with, and made aware of, the evidence suggesting their involvement in the alleged malpractice before the interview concludes.
86	Appendix 12 Joint Awarding Organisation Cases		New appendix added to explain how malpractice cases will be managed where the same incident affects, or may affect, more than one awarding organisation. The guidance explains when a joint investigation may be conducted, the role of a lead awarding organisation, arrangements for communication and information sharing, how decisions will be reached and the process for appeals.

Introduction

This document is intended for all those involved in, responsible for or affected by malpractice incidents arising from the delivery of general and vocational qualifications which are certificated by JCQ awarding organisations.

It must be read and understood in advance by the following individuals, who should refer to the document when preventing, identifying, investigating and responding to suspected or actual malpractice incidents:

a) the Head of Centre;

b) relevant members of the Senior Leadership Team;

c) the Examinations Officer.

Centres are required to ensure that all relevant staff are fully aware of the procedures and guidelines in this document before any assessments take place. The document is to be used when responding to suspected or confirmed malpractice. It should also be used in a proactive and preventative manner to support the establishment of robust procedures, promote full compliance with regulatory requirements and minimise the risk of malpractice occurring.

The document details the policies and procedures agreed by the JCQ awarding organisations for dealing with breach of security and malpractice investigations relating to candidates, centre staff and centres. The JCQ awarding organisations have separate procedures for investigating concerns relating to the conduct of examiners, moderators and awarding organisation staff.

If there is a conflict between awarding organisation regulations and these procedures, this document shall take precedence.

This document:

- identifies the regulations under which examinations and assessments operate;
- defines malpractice in the context of examinations and assessments;
- sets out the rights and responsibilities of awarding organisations, centre staff and candidates in relation to such matters;
- describes the procedures to be followed in cases where there is reason to suspect that the regulations may have been broken;
- details the procedures for investigating and determining allegations of malpractice which in their fairness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.

Changes made to the contents of this document since the previous version (1 September 2025 to 31 August 2026) are highlighted in yellow for easy identification, and the principal changes have been listed on page 1.

1 What are malpractice and maladministration?

1.1 All those involved in the public qualifications system have a role to play in supporting the appropriate delivery of assessments and upholding the integrity of qualifications. Whilst the vast majority of centres, centre staff and candidates do not normally experience any form of malpractice, it is important that all are aware of the risks of malpractice and take steps to prevent it occurring. Where malpractice does occur, it is vitally important that prompt action is taken to safeguard the integrity of qualifications.

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

- a breach of the Regulations; and/or
- a breach of awarding organisation requirements regarding how a qualification should be delivered; and/or
- a failure to follow established procedures in relation to a qualification;

which:

- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and/or
- 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 organisation or centre or any officer, employee or agent of any awarding organisation or centre.

1.3 Incidents of malpractice arise for a variety of reasons, such as:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- some incidents arise due to a lack of awareness of the regulations, carelessness or forgetfulness in applying the regulations (which may often be called 'maladministration');
- some occur as a result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the supervision of candidates is disrupted).

1.4 The individuals involved in malpractice also vary. They may include:

- candidates;
- teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, administration or quality assurance of examinations and assessments, including heads of centre, members of the senior leadership team (SLT), examinations officers, invigilators and those facilitating access arrangements (e.g. readers, scribes and practical assistants);
- assessment personnel, such as examiners, assessors, moderators or internal and external verifiers;
- other third parties (e.g. parents/carers, siblings or friends of the candidate).

1.5 These JCQ *Suspected Malpractice Policies and Procedures* apply to all candidates and to centres and centre staff delivering JCQ awarding organisation qualifications. Where misconduct by examiners, moderators or awarding organisation staff is suspected, the appropriate disciplinary procedures will be adhered to.

1.6 Malpractice may or may not relate directly to an assessment. Awarding organisations are aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

1.7 Failure by a centre to notify, investigate and report to an awarding organisation all allegations of malpractice or suspected malpractice constitutes malpractice in itself.

1.8 Failure to take action as required by an awarding organisation, as detailed in this document, or to co-operate with an awarding organisation's investigation, constitutes malpractice. This includes providing knowingly inaccurate or misleading information during the course of an investigation.

1.9 The JCQ member awarding organisations divide malpractice into the following types (see two examples for each type in Appendix 2):

- breach of security;
- deception;
- improper assistance to candidates;
- failure to co-operate with an investigation;
- maladministration;
- candidate malpractice.

2 Definitions

2.1 Regulator

An organisation designated by government to establish national standards for qualifications and to secure compliance with them. The qualification regulators for England, Wales and Northern Ireland are:

Ofqual (England): **https://www.gov.uk/government/organisations/ofqual**

Qualifications Wales (Wales): **https://www.qualifications.wales/**

CCEA Regulation (Northern Ireland): **https://ccea.org.uk/regulation**

2.2 Centre

An organisation (such as a school, college, training company/provider or place of employment) which is approved by and accountable to an awarding organisation for the examination and assessment arrangements leading to a qualification award.

2.3 Head of centre

The head of centre is the individual who is accountable to the awarding organisations for ensuring that the centre is always compliant with both the published JCQ requirements and awarding organisation requirements. The head of centre is also known as the centre's Headteacher, Principal, Warden, Headmaster, Headmistress or Master.

Where an allegation of malpractice is made against a head of centre, the responsibilities in this document which apply to the head of centre shall be taken on by another person nominated to gather information by the relevant awarding organisation, such as the Chair of Governors.

2.4 Private candidates

A private candidate is defined as a student who is entered by the centre for a qualification in a particular subject but has not received any tuition at the centre for that subject during the academic year in which the exam series occurs. The student may have received teaching at the centre for different subjects or qualifications, or for the same subject or qualification for a previous exam series.

2.5 Regulations

'Regulations' means the list of documents found in Appendix 1. They contain guidance and regulations relating to the provision of access arrangements and the conduct of controlled assessments, coursework, examinations and non-examination assessments.

The Regulations are based upon the requirements of the regulators of qualifications in England, Wales, Scotland and Northern Ireland, such as those found in Ofqual's General Conditions of Recognition and Qualifications Wales' Standard Conditions of Recognition.

Awarding organisations are obliged to notify the qualifications regulators of certain malpractice incidents, in accordance with the regulators' conditions.

2.6 Suspected malpractice

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (regardless of how the incident might be categorised, as described in section 1.9).

2.7 Centre staff malpractice

'Centre staff malpractice' means malpractice committed by:

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

Examples of centre staff malpractice are set out in Appendix 2, Part 1. This list is not exhaustive and does not limit the scope of other definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding organisations at their discretion.

2.8 Candidate malpractice

'Candidate malpractice' normally involves malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the completion of any examination.

Examples of candidate malpractice are set out in Appendix 2, Part 2. The list is not exhaustive and does not limit the scope of the definitions set out in this document. Other instances of malpractice may be considered by the awarding organisations at their discretion.

2.9 Centre Malpractice

'Centre malpractice' normally involves malpractice where there is an element of systemic failure, a breach in policies or widespread malpractice such that a centre-level sanction is appropriate.

Examples of malpractice that could result in a finding of centre malpractice are set out in Appendix 2, Part 1. This list is not exhaustive and does not limit the scope of other definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding organisations at their discretion.

3 Preventing malpractice

3.1 The regulators' Conditions of Recognition (A8.1) state that awarding organisations must:

- take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

3.2 Awarding organisations will minimise or eliminate the risk of malpractice through a range of approaches which include, but are not limited to:

- Ensuring that the design of qualifications reduces, as far as reasonably possible, the opportunity for malpractice to occur.
- Providing clear processes for the administration of qualifications which reduce, as far as reasonably possible, the opportunity for malpractice to occur.
- Issuing clear and robust guidance documents on all aspects of the delivery and administration of all qualifications, including the following JCQ documents:
    - *General Regulations for Approved Centres*
    - *Instructions for conducting examinations (ICE)*
    - *Instructions for conducting coursework*
    - *Instructions for conducting non-examination assessments*
    - *Access Arrangements and Reasonable Adjustments*
    - *A guide to the special consideration process*
    - *Suspected Malpractice: Policies and Procedures (this document)*
    - *Plagiarism in Assessments*
    - *AI Use in Assessments: Protecting the Integrity of Qualifications*
    - *Post-Results Services*
    - *A guide to the awarding organisations' appeals processes*
    - *Guidance for centres on cyber security.*
- Using all appropriate communication channels to provide updated information, guidance and training for all stakeholders, including learners, in relation to the prevention of malpractice and maladministration.
- Fully utilising the JCQ Centre Inspection Service (CIS) that acts on behalf of the awarding organisations, ensuring that centre checks are undertaken with appropriate regularity and rigour.
- Responding efficiently and with clarity to a request from a centre to provide it with guidance on how best to prevent malpractice and maladministration.
- Monitoring social media, where appropriate, for any indication of malpractice and maladministration.
- Monitoring data, including entry data, to identify patterns, trends, double-entering, failure to meet deadlines and any other information that may indicate malpractice has occurred.
- Reviewing proven cases of malpractice to analyse what, if anything, the awarding organisations should learn from the occurrence.

3.3 Centres

Centres must take all reasonable steps to prevent malpractice. These can include but are not limited to:

3.3.1 Centre staff malpractice and maladministration.

- Ensure that staff involved in the delivery of assessments and examinations understand the requirements for conducting these, as specified in the JCQ documents above and any further awarding organisation guidance.
- Ensure that staff involved in the delivery of assessments and examinations understand the key dates and deadlines and that there are robust procedures in place to ensure these are met.
- Ensure that examinations officers are appropriately trained, resourced and supported.
- Ensure that exams, including those delivered at alternative sites, are conducted in accordance with JCQ *ICE* requirements.
- Ensure that all staff who manage and implement special consideration and access arrangements are aware of the requirements and are appropriately supported and resourced.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials, including via social media.
- Ensure that members of staff follow appropriate security procedures to ensure confidential information relating to examinations and assessment materials is not breached.
- Ensure that in the event of an examination clash, arrangements are planned and managed effectively.
- Ensure that staff delivering/assessing coursework, internal assessments and/or non-examination assessments are aware of centre procedures relating to the authentication of learner work.
- Ensure the centre has robust processes in place for identifying and reporting plagiarism (including AI misuse) and other potential candidate malpractice.
- Ensure that the centre has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.

3.3.2 Candidate malpractice

- Ensure that all JCQ notices, e.g. Information for candidates, non-examination assessments, coursework, on-screen tests, written examinations, social media and/or plagiarism are made available to candidates prior to assessments/examinations taking place.
- Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about bringing prohibited materials and devices into the assessments and access to restricted resources.
- Ensure that candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice.
- Ensure that candidates are aware of the sanctions for passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.

- Ensure that candidates involved in examination clash arrangements are aware of appropriate behaviour during supervision, i.e. ensuring that candidates cannot pass on or receive information about the content of assessments, thereby committing candidate malpractice.
- Ensure that candidates completing coursework or non-examination assessments are aware of the need for the work to be their own and are provided with clear instructions on how to avoid plagiarism (including AI misuse).

4 Identification and reporting of malpractice

4.1 Responsibilities

4.1.1 The regulators' Conditions of Recognition state that awarding organisations **must**:

- establish, maintain and at all times comply with up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration; and
- ensure that such investigations are carried out rigorously, effectively and by persons of appropriate competence who have no personal interest in their outcome.

4.1.2 The awarding organisation will:

- oversee all investigations into suspected or alleged malpractice;
- determine whether to withhold the issuing of results and/or certificates until the conclusion of the investigation, or permanently, if the outcome of the investigation warrants a sanction;
- apply appropriate sanctions in cases of proven malpractice;
- report the matter promptly to the regulators and other awarding organisations in accordance with the regulators' Conditions of Recognition;
- consider reporting the matter to the police if suspected or proven malpractice involves the committing of a criminal act;
- consider reporting the matter to the Local Authority Designated Safeguarding Officer (LADO) or other safeguarding authorities if there is a legitimate concern of harm to a child or adult at risk; also consider reporting the matter to other appropriate authorities where relevant, e.g. Funding Agencies and Teaching Regulation Agencies;
- where possible, protect the interest of candidates affected through no fault of their own by an incident of malpractice (see paragraph 4.16);
- decide what information should be gathered and who is deemed the most appropriate person(s) to gather information on its behalf. The investigation, its progress and any decisions made in relation to an investigation are the responsibility of the relevant awarding organisation.

4.1.3 The head of centre **must:**

- notify the appropriate awarding organisation immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in coursework or non-examination assessments where the offence relates to the content of candidate work (e.g. copying/collusion, plagiarism and/or AI misuse – see paragraph 4.5 and Appendix 6 for a list of these offences) and the authentication forms have **not** been signed by the candidate (see paragraph 4.5). All other candidate malpractice cases must be reported to the relevant awarding organisation.
- If staff malpractice is discovered in coursework or non-examination assessments, the head of centre must inform the awarding organisation immediately, regardless of whether the authentication forms have been signed by the candidate(s);
- report malpractice using the appropriate forms, as detailed in paragraphs 4.4 and 4.6;

- be accountable for ensuring that the centre and centre staff comply at all times with the awarding organisation's instructions regarding an investigation;
- ensure that, where a candidate is a child or an adult at risk and is the subject of a malpractice investigation, the candidate's parent/carer/appropriate adult is kept informed of the progress of the investigation;
- ensure that, if it is necessary to delegate the gathering of information to a senior member of centre staff, the awarding organisation's agreement is obtained and the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The head of centre should ensure there is no conflict of interest (see below) which might compromise the investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- make information requested by an awarding organisation available speedily and openly;
- co-operate with an enquiry into an allegation of malpractice and ensure that their staff do so also, whether the centre is directly involved in the case or not;
- ensure staff members and candidates are informed of their individual responsibilities and rights, as set out in this document;
- forward any awarding organisation correspondence and evidence to centre staff and/or provide staff contact information to enable the awarding organisation to do so;
- at all times comply with data protection law;
- pass on to the individuals concerned any warnings or notifications of sanctions and ensure compliance with any requests made by the awarding organisation as a result of a malpractice case.

4.1.4 The responsibilities in paragraph 4.1.3 extend to instances of suspected malpractice involving private candidates entered through the centre.

4.1.5 Heads of centre are reminded that a failure to comply with the requirements set out in paragraphs 4.1.3 and 4.1.4 may itself constitute malpractice.

4.2 Suspected malpractice can be identified and reported by any of the following:

- centres (including by students, parents or centre staff);
- awarding organisations (including by examiners, moderators and awarding organisation staff);
- other individuals (such as funding agency staff, anonymous sources or members of the public).

Identification and reporting of malpractice by centres

4.3 Centres must have robust processes in place to prevent and identify malpractice, as outlined in section 3 above. Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels.

4.4 Form JCQ/M1 should be used to notify an awarding organisation of an incident of candidate malpractice. The form is available from the JCQ website:

http://www.jcq.org.uk/exams-office/malpractice

and as Appendix 8 to this document.

Notifications in letter format will be accepted but must provide the information as required by the form.

4.5 Candidate malpractice offences relating to the content of work (i.e. inappropriate/offensive content, copying/collusion, plagiarism (including AI misuse) and/or false declaration of authentication) which are discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication, do not need to be reported to the awarding organisation. Instead, they must be dealt with in accordance with the centre's internal procedures.

Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment where the offence does not relate to the content of candidates' work (e.g. possession of unauthorised materials, breach of assessment conditions) or where a candidate **has** signed the declaration of authentication, **must** be reported using a JCQ/M1 to the relevant awarding organisation. If, at the time of the malpractice, there is no entry for that candidate (who the centre intended to enter), the centre is required to submit an entry by the required entry deadline.

If any improper assistance (see below) has been given, this must be reported to the awarding organisation, as per paragraph 4.1.3, and a note **must** be made of this on the cover sheet of the candidate's work or other appropriate place. Where malpractice by a candidate in a vocational qualification is discovered prior to the work being submitted for certification, centres should refer to the guidance provided by the awarding organisation.

Note: Centres are advised that if coursework, controlled assessment, non-examination assessment or portfolio work which is submitted for internal assessment is rejected by the centre on grounds of malpractice, there should be an internal process in place at the centre so that candidates can request an internal appeal against this decision.

4.6 Form JCQ/M2 should be used to notify an awarding organisation of an incident of suspected staff malpractice/maladministration. The form is available from the JCQ website at:

http://www.jcq.org.uk/exams-office/malpractice

and as Appendix 9 to this document.

Notifications in letter format will be accepted but must provide the information as required by the form.

4.7 Upon receipt of a JCQ/M2 form, the awarding organisation will review the information provided and determine the appropriate next steps for the investigation (see paragraphs 4.15–4.17). The centre should not proceed with gathering further information until authorisation has been received from the awarding organisation.

Identification and reporting of malpractice by awarding organisations

4.8 Each awarding organisation will take all reasonable steps to prevent malpractice. Awarding organisations have robust measures in place to identify and report suspected malpractice. Malpractice can be identified by awarding organisation staff, examiners or moderators.

4.9 Examiners, moderators, monitors and external verifiers who suspect malpractice in an examination or assessment will notify the relevant awarding organisation immediately using the procedures established by the awarding organisation.

4.10 Upon receipt of malpractice concerns, the relevant awarding organisation will review them and determine the appropriate next steps, as detailed below.

Identification and reporting of malpractice by others

4.11 Awarding organisations want malpractice to be reported and would encourage anyone who has information regarding malpractice to come forward and report the matter.

Allegations of malpractice are sometimes reported to awarding organisations by employers, centre staff, regulators, funding agencies, candidates, other awarding organisation and members of the public. Sometimes these reports are anonymous.

Employees/workers making allegations of suspected malpractice within centres may be protected by the Public Interest Disclosure Act 1998 (PIDA) if:

- the disclosure amounts to a "protected disclosure" (as set out in the relevant legislation);
- the employee/worker is raising a genuine concern in relation to malpractice; and
- the disclosure is made in compliance with the guidelines set out in the legislation and/or the centre's own Whistleblowing Policy; and
- if the disclosure is made to their employer or a prescribed organisation such as Ofqual.

For the avoidance of doubt, awarding organisation are not identified in the legislation as organisations to whom protected disclosures can be made (i.e. a prescribed organisation). Those reporting malpractice who wish to remain anonymous should be aware that awarding organisations may need to disclose their details to others.

This could include:

- in response to subject access requests made under data protection legislation;
- where they are required to share information with regulatory organisations (such as Ofqual, the SIA and the TRA); or
- when they are required to provide information to the police.

Those reporting malpractice should also be aware that those subject to any subsequent investigation may draw their own conclusions regarding who has reported malpractice, based on the information an awarding organisation will need to disclose in order to take an investigation forward. In these circumstances, individuals reporting malpractice should be provided with appropriate privacy notices regarding the processing of their personal data.

Ofqual, however, is described in the legislation as an organisation to whom protected disclosures can be made.

Further guidance on the Public Interest Disclosure Act 1998 and protected disclosures can be found in:

- **www.jcq.org.uk/exams-office/malpractice/**
- **www.gov.uk/whistleblowing**

4.12 Awarding organisations are aware that reporting suspected malpractice by a member of staff or a candidate can create a difficult environment for that individual. Investigation processes will consider any mitigating actions that can be taken to protect a reporting individual if:

- the reporting individual is at risk of retaliation or retribution by reported individuals/ centres
- concerns are identified for the reporting individual's mental health or wellbeing.

4.13 If the information is provided over the telephone, the person(s) reporting malpractice will usually be asked to confirm the allegation in writing.

4.14 When an awarding organisation receives an allegation, they will evaluate the allegation in the light of all available information to see if there is cause to investigate.

What awarding organisations do on receipt of allegations and notifications of suspected malpractice

4.15 The following steps are an outline of what awarding organisation do on receipt of allegations and notifications of suspected malpractice.

- Allegation/notification of suspected malpractice received.
- Awarding organisation to review and assess strategy of investigation and whether an investigation is necessary.
- Background desktop research conducted by awarding organisation (factual review of the allegation or notification, historical malpractice cases, candidate volumes).
- Information gathering.
- Evidence review (review of all the information gathered to determine if the allegations are supported by the evidence and if there are other concerns arising during the investigation).
- Findings of the investigation.
- Case/investigation review (identification from the evidence of any potential regulation/ specification breaches).
- Summary procedure (if adopted, see section 6).
- Malpractice Committee (the outcome of the investigation is determined by the Malpractice Committee).
- Final outcome.

Please note some of the steps outlined above can occur concurrently. Where appropriate and where all information has been provided from the outset, an awarding organisation can proceed straight to a Malpractice Committee, e.g. a suspected candidate malpractice incident involving a mobile phone.

During an investigation, awarding organisations may share intelligence with other awarding organisations, as described in paragraph 11.3.

4.16 In suspected centre staff malpractice investigations, awarding organisations will endeavour to protect the interests of candidates who have been adversely affected through no fault of their own. Where candidates may have been advantaged by a suspected centre staff malpractice incident, awarding organisations will need to consider appropriate action to protect the integrity of qualifications and maintain public confidence.

4.17 Each awarding organisation aims to resolve all investigations as quickly as possible. However, each investigation can have its own complexities which may affect timescales of progress and outcomes of investigations.

4.18 Where one or more awarding organisations receive the same, or very similar, allegations of malpractice in relation to the same individual/centre, they are likely to conduct an investigation jointly. In order to minimise the impact upon the individuals and centre involved, and to ensure all parties are treated in the same manner, one awarding organisation will usually act as the 'lead' organisation for the investigation and will be responsible for all communications between the affected parties and the awarding organisations. The lead awarding organisation will share information and evidence from the investigation with the other affected awarding organisations.

4.19 In the event that a joint investigation is referred to a Malpractice Committee, a committee will be formed from representative of each affected awarding organisation. The Malpractice Committee will act in accordance with paragraphs 6.7 to 6.22 of this document.

4.20 Any appeals relating to sanctions imposed by a joint awarding organisation Malpractice Committee will be dealt with by the lead awarding organisation in accordance with the JCQ ***Guide to the awarding organisations' appeals processes***. Should the appeal require a hearing, an Appeal Panel which includes representatives of each affected awarding organisation will determine the appeal.

For further information on joint investigations, please see Appendix 12 Joint Awarding Organisation Cases

5 Gathering of information

Investigations

5.1 Any investigation that the awarding organisation decides requires further information will need an individual appointed to gather that information. This is to determine whether or not there is any evidence to support the allegation made.

5.2 An allegation of malpractice is unproven until the relevant information has been gathered and considered.

5.3 An investigation will allow the awarding organisation to make a decision on a case. This may mean that there is no case to answer if, following investigation, there is no evidence to support the allegation. Alternatively, it may lead to a finding of malpractice which could then incur a sanction for an individual or individuals and/or a centre (see sections 7–10).

Appointing an information gatherer

5.4 The awarding organisation will determine who should gather information for the investigation. The individuals that can be chosen include:

- the head of centre;
- the Chair of Governors of the centre;
- the responsible employer (or their nominee), e.g. Director of Education, the Chief Executive Officer of a multi-academy trust;
- awarding organisation staff from the malpractice investigation team; or
- another suitably qualified individual, such as an Ofsted Inspector or the head of another school in the same multi-academy trust.

The person gathering information **must** have no personal or other conflict of interest in the outcome of the investigation. Further information about conflicts of interest can be found in paragraphs 5.8-5.10. Appendix 3 sets out a guide for gathering information and managing conflicts of interest.

The individual authorised to gather information **must** report to the awarding organisation by the time specified, providing all the requested evidence. Failure to do so may itself constitute malpractice, as set out in sections 7–9 of this document.

5.5 Unless otherwise specified, an awarding organisation would usually expect the head of centre, or a senior staff member nominated by the head, to gather information on its behalf.

5.6 For candidate malpractice cases, the head of centre may appoint a staff member to gather information for the investigation without needing to consult the awarding organisation. The head of centre must consider potential conflicts of interest when appointing a staff member to gather evidence, in accordance with paragraphs 5.8 and 5.10 below. The head of centre will retain responsibility for ensuring the information has been obtained appropriately.

5.7 For all other cases, where the head of centre wishes to appoint a senior staff member to gather information, the agreement of the awarding organisation must be obtained first. The awarding organisation will confirm whether or not it agrees to the suggested information gatherer. The head of centre will retain responsibility for ensuring the information has been obtained appropriately. The head of centre must ensure the information gathering meets the deadlines and requirements set by the awarding organisation.

Conflicts of interest

5.8 In all cases, the head of centre must confirm that the individual who will gather information is appropriately senior, experienced in conducting similar types of investigations and that their appointment will not create a conflict of interest. A conflict of interest would arise where:

- the information gatherer has direct line management responsibility for any of the accused individuals;
- the information gatherer has overall responsibility for the area of work subject to the investigation;
- the information gatherer has a relationship, beyond the working relationship, with any of the accused individuals;
- the above do not apply but there is or could be a perception that the individual would have a conflict of interest.

For example, an allegation has been received that an exams officer has not completed the second pair of eyes check before opening question paper packets, which has resulted in a breach of security. The head of centre proposes an Associate Head as an information gatherer because they are a senior staff member, have conducted internal investigations before and they do not have direct line management responsibility for the exams officer. However, they do have overall responsibility for exams and assessments within the school and are not, therefore, an appropriate information gatherer.

5.9 In the event of any concerns regarding conflicts of interest or the suitability of the potential information gatherer, the head of centre must contact the awarding organisation as soon as possible to discuss the matter.

5.10 Very occasionally, it may only come to light after the information has been gathered and the report submitted that the information gatherer had a conflict of interest. In these cases, the investigation may have to be completed again by a different information gatherer.

Delegated information gathering

5.11 Where the awarding organisation delegates the information gathering to one of the roles set out in paragraph 5.4, the awarding organisation will set out:

- the allegation made (this may be redacted – see paragraphs 5.32-5.34 for further information);
- why this would constitute malpractice, if proven;
- who the information gatherer needs to interview/collect statements from – this could include staff and/or students;
- if any other information (such as class list, SENCO records, written documents given to students by the teacher etc.) is required;
- the key lines of enquiry the information gatherer must follow in order to appropriately cover the allegations made;
- the expected timescales for the information gathering and subsequent report.

5.12 Those responsible for gathering information for an investigation should obtain the information specified by the awarding organisation, in the formats and to the timescales required. Individuals should always gather the information specified by the awarding organisation, regardless of their assessment of the matter.

5.13 When interviewing members of centre staff or students, centres must conduct those interviews in accordance with their own internal policy for conducting enquiries and within the requirements of this document. This should include reference to their own internal safeguarding policy for interviewing individuals who may be at risk, and, if a centre has any concerns about an individual's wellbeing, they should contact the awarding organisation before conducting the interview. Further information can be found in Appendix 11 Guidance on Supporting the Safeguarding and Wellbeing of Centre Staff and Candidates During a Suspected Malpractice Case.

5.14 Information gatherers **must** ensure that those implicated in malpractice are given their rights, as detailed in paragraph 5.35.

5.15 A note or transcript of the interview must be taken and provided to the interviewee to sign and to confirm its accuracy.

5.16 The information gatherer can contact the relevant awarding organisation for guidance or advice at any point.

Direct awarding organisation investigations

5.17 In some cases, the awarding organisation will gather information for the investigation directly. This includes situations where:

- the centre is unable to appoint an appropriate information gatherer; and/or
- the centre refuses to appoint an information gatherer (this would, of itself, likely constitute malpractice); and/or
- the allegation is such that it would be inappropriate for the centre to appoint an information gatherer. This may be where:
    - the alleged malpractice is systemic;
    - the head of centre is implicated in the alleged malpractice; and/or
    - there is a wider reputational risk to the integrity of the exams system, for example, an online breach of security involving a question paper.

5.18 A decision to investigate directly rests with the awarding organisation, and the awarding organisation reserves the right to conduct a direct investigation where it considers it to be the most appropriate course of action, including where it has initially asked the head of centre to gather information.

5.19 The awarding organisation will usually correspond in advance with an appropriate individual at the centre (usually the head of centre) to organise interviews and any other appropriate investigatory activity.

5.20 On rare occasions, the awarding organisation may deem it necessary to visit the centre unannounced. In such situations, the centre must endeavour to accommodate the awarding organisation's staff and their requests for information and data. Awarding organisation staff will have appropriate ID to confirm their identity.

5.21 When organising a direct investigation incorporating the collection of information, the awarding organisation will clearly set out:

- the allegation made (this may be redacted – see paragraphs 5.32-5.34 for further information);
- why this would constitute malpractice, if proven;
- who they need to interview/collect statements from – this could include members of centre staff and students;
- the expected timescales for the information gathering;
- whether they need to collect any written documents from the centre as part of their investigation;
- the requirements for accommodating any interviews – for example, rooms, access to information, safeguarding requirements when interviewing students or adults at risk.

5.22 Gathering information often involves interviewing individuals about the allegations made. The awarding organisation will seek permission from the interviewee to record those interviews and will provide a written transcript to the individual interviewed for confirmation of accuracy.

5.23 The awarding organisation may decide it is preferable to conduct interviews remotely, via MS Teams or equivalent. These interviews will also be recorded with a transcript sent to the individual for confirmation of accuracy.

5.24 It may be necessary for the awarding organisation to interview candidates during an investigation. If the candidate is a child or an adult at risk, the awarding organisations will only undertake this in the presence of an appropriate adult. Awarding organisations will take into account any physical or learning difficulties or disabilities when conducting interviews.

Information obtained from individuals

5.25 Information can be obtained from individuals during the information-gathering stage of an investigation through either statements or interviews.

5.26 Those accused of malpractice and any person who witnessed or is likely to be aware of facts relevant to the allegation of malpractice should be interviewed and/or asked to provide a statement.

5.27 Any statements that are obtained must be in the individual's own words and be signed and dated.

5.28 Any member of centre staff or adult candidate being interviewed may be accompanied by an appropriate adult or advisor (who may be a representative of a teacher association or other organisation). Candidates who are children and/or adults at risk can also be accompanied by an appropriate adult.

5.29 The involvement of legal advisors or representatives is not necessary in most cases. However, if the individual being interviewed wishes to be accompanied by a legal advisor, the other parties must be informed beforehand to give them the opportunity to be similarly supported. An awarding organisation will not be liable for any professional fees incurred.

5.30 The person accompanying the interviewee should not take an active part in the interview. In particular, they must not answer questions on the interviewee's behalf.

5.31 All those interviewed or making a statement should be made aware that the information they provide will be shared with awarding organisations, which reserve the right to share their statements, records or transcripts of any interview(s) that are undertaken with others involved in the case and other appropriate third parties, as described in paragraphs 4.1.2, 7.11 and 11.3. This information may be shared at any stage during or after the investigation.

Protecting confidentiality/anonymity

5.32 An awarding organisation will not normally withhold information from the head of centre or those being investigated about material obtained or created during the course of an investigation into an allegation of malpractice.

5.33 However, it must comply with data protection law and, specifically, it may withhold information where this would involve disclosing the identity of someone who has asked for their identity to remain confidential. Whilst not prescribed organisations covered by the Public Information Disclosure Act, awarding organisations will comply with such requests where they can reasonably do so in order not to deter individuals from coming forward with legitimate concerns.

5.34 In such cases, the awarding organisation will withhold information that would reveal the person's identity and will explain why the withheld information cannot be provided. This may include redacting information from the original allegation received.

The rights of accused individuals – information gathering

5.35 If, in the view of the information gatherer, there is sufficient evidence that an individual may have committed malpractice, that individual (the candidate or the member of staff) **must**:

- be informed (preferably in writing) of the allegation made against them;
- be provided with a copy of the JCQ document *Suspected Malpractice: Policies and Procedures*:

  http://www.jcq.org.uk/exams-office/malpractice;
- be made aware of all evidence that has been obtained during the investigation which supports the allegation;
- be made aware that knowingly providing misleading or inaccurate information constitutes malpractice;
- be informed of the possible consequences should malpractice be proven (as set out in Appendices 4–6);
- have the opportunity and sufficient time to consider their response to the allegations;
- be given an opportunity to submit a written statement in response to the allegations;
- be informed that if the case is referred to the awarding organisation's Malpractice Committee, they will:

- be provided with a complete set of case documentation;
- have the opportunity to read and make a statement in response to the case documentation;
- have the opportunity to seek professional advice and to provide a supplementary statement;

- be made aware of their right to appeal should a sanction be applied to them (as set out in the JCQ document *A Guide to the Awarding Organisations' Appeals Processes*):

  http://www.jcq.org.uk/exams-office/appeals

5.36 The head of centre is responsible for ensuring that the accused individual is informed of their rights and responsibilities. Where it is identified that there is a need to exercise discretion in the light of the circumstances of the case in terms of how the evidence is presented to the accused individual (for example, if they have concerns about revealing the identity of a third party mentioned in the documentation), this should be discussed with the awarding organisation.

If the accused individual is provided with a reduced or redacted set of case documentation by the information gatherer, then the awarding organisation should be provided with the same information as provided to the individual. Where there are multiple individuals involved in the same incident, copies of the redacted documents for each individual should be provided to the awarding organisation.

Completing and submitting the report

5.37 Once the information gathering has concluded, the head of centre (or other appointed information gatherer) must submit a written report to the relevant awarding organisation, summarising the information obtained and actions taken, accompanied by the information obtained during the course of their enquiries.

5.38 The report must contain a statement of the facts of the case, including a detailed account of the circumstances of the alleged malpractice and an objective description of the information gathered during the course of the investigation, and must include details of any exculpatory information (or mitigating factors) found during the investigation process.

5.39 Form JCQ/M1 should be used when reporting candidate cases; for centre staff, form JCQ/M3 should be used. These are available as Appendices 8 and 10 in this document and from the JCQ website:

http://www.jcq.org.uk/exams-office/malpractice

5.40 The information gatherer must ensure that the accused individuals are made fully aware of their rights and responsibilities (paragraph 5.35) prior to submission of the report to the awarding organisation. The checklists inside the forms must be completed to provide assurances that this has been done. A separate checklist is required for each member of staff implicated in the allegation.

5.41 The following evidence **must** be provided alongside the report (as appropriate):

- any written statements from and/or transcriptions of interviews with the teacher(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved in, or provided information relevant to, the alleged malpractice. All such documents must be signed and dated by the individuals concerned;

- transcriptions of interviews with and/or written statements from any candidates involved in, or affected by, the alleged malpractice. All such documents must be signed and dated by the candidates, and any statements must be in the candidates' own words. When reporting candidate malpractice, if a statement or statements from the candidate(s) is/are not enclosed, centres should put a cross in the box on the JCQ/M1 form to indicate that the candidate(s) has/have been given the opportunity to make a statement, but has/have chosen not to do so;
- details of how the centre informs centre staff and candidates about the awarding organisations' regulations;
- seating plans showing the exact position of candidates in the examination room;
- copies/images of unauthorised material found in the examination room (where appropriate, centres should retain the original unauthorised material);
- any candidate work/associated material (e.g. source material for non-examination assessment/coursework) which is relevant to the investigation;
- any teaching resources/material/details of feedback given to candidates relevant to the investigation;
- details of any other information relevant to the investigation, such as applications for/documentation relating to access arrangements;
- any other relevant information or evidence not listed above which is relevant to the case being investigated, for example, CCTV footage;
- a summary of the actions which will be taken by the centre to mitigate the impact of any malpractice and the actions to be taken to avoid a recurrence of such a malpractice incident.

5.42 The awarding organisation will decide on the basis of the report and any supporting documentation whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly.

6 The decision

Summary procedure

6.1 In straightforward cases where the evidence appears conclusive as to the nature of the malpractice and who was responsible and the findings are not contested or in doubt, awarding organisations may invoke a summary procedure at any stage of the investigation.

6.2 Examples of when a summary procedure may be invoked include:

- the initial information received from the centre is sufficient for an immediate decision to be made by an awarding organisation member of staff;
- the information available to the awarding organisation clearly indicates that malpractice has occurred (e.g. offensive language in a candidate's script).

6.3 In such circumstances, an appointed person at the awarding organisation may conclude that malpractice is proven and impose a sanction or sanctions. The individual(s) and centre affected will be informed of the malpractice findings and notified of the sanction(s) imposed; the evidence supporting the conclusion of malpractice; that a summary procedure has been invoked; and that they have the right to contest the decision.

6.4 Where a sanction is applied under the summary procedure, the centre staff member(s) or the centre to whom the sanction has been applied may contest the decision by asking for the matter to be referred to the Malpractice Committee. For candidate malpractice cases, the centre has the right to contest the decision by asking for the matter to be referred to the Malpractice Committee. They have 14 days in which to do so. The case will then be considered by the Malpractice Committee.

6.5 The Malpractice Committee will consider the case in accordance with paragraphs 6.7-6.22 below.

6.6 The Malpractice Committee will consider the matter afresh. As a result, it may reach different conclusions about whether malpractice occurred and, if so, the nature of that malpractice. It may also decide to impose the same, a lesser or a more severe sanction or sanctions. Should the Malpractice Committee determine that sanctions should be imposed, these will be subject to appeal, in accordance with paragraph 6.22 and section 12 below.

The Malpractice Committee

6.7 In order to determine the outcomes in cases of alleged malpractice, awarding organisations may appoint a panel or committee composed of internal and/or external members experienced in examination and assessment procedures. In some cases, rather than a panel, this function may be allocated to a named individual member or members of awarding organisation staff. In this document the committee (or awarding organisation personnel responsible for making decisions in malpractice cases) is referred to as the 'Malpractice Committee'.

The Malpractice Committee may be assisted by an awarding organisation member of staff who has not directly gathered evidence in the investigation.

6.8 The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- the work of the Malpractice Committee is confidential;
- members of the Malpractice Committee **must** identify any case in which they have personal knowledge or could reasonably be perceived to have an interest that might give rise to an inference of bias. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter;
- accused individuals, heads of centre and their representatives are not entitled to be present at meetings of the Malpractice Committee.

6.9 The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation.

6.10 Awarding organisation staff who have directly gathered evidence and/or information for the case will not determine the outcome.

6.11 In the case of Malpractice Committee hearings/meetings, no-one who declares an interest in the outcome of the case will be present when the case is considered.

6.12 Evidence supplied to the Malpractice Committee will only include information relevant to the case which has also been made available to the person against whom the allegation has been made. For the avoidance of doubt, where the person against whom the allegation is made receives material that has been subject to redaction (e.g. of individuals' names), the material that the Malpractice Committee receives will also be redacted to the same extent.

6.13 The person against whom the allegation has been made will be given the opportunity to make a final written statement to the Malpractice Committee in the light of the material provided. The final written statement will be provided to the Malpractice Committee prior to their meeting. Where the allegations are against more than one person, only the Malpractice Committee will receive each individual's final written statement.

6.14 It should be noted that the Malpractice Committee, when considering a malpractice investigation, may determine that the issues identified have arisen due to management or centre failings (such as a lack of appropriate training) and that sanctions should be imposed upon heads of centre or centres as a result. Heads of centre should be aware, therefore, that while there may be individuals formally accused of malpractice, sanctions might be imposed upon them or the centre by the Malpractice Committee. Heads of centre should ensure that they have considered whether they should submit a final statement for consideration by the Malpractice Committee and that they have notified any appropriate parties at the centre (such as directors, owners, etc) in the event that a sanction might be imposed upon it.

Making the decision

6.15 Where individuals have had the opportunity to make a final written statement, but have declined this opportunity, the case will proceed on the basis of all other information received.

6.16 The Malpractice Committee will determine:

- whether correct procedures were followed;
- whether, on the balance of probabilities, malpractice as defined in this document (see section 1) has occurred:
  - the regulation or specification requirement which it is alleged has been broken;
  - the facts of the case based on the evidence presented to them;
  - whether the facts as so established constitute a breach of the regulations or specification requirements; and
- where the culpability lies for the malpractice.

6.17 If the Malpractice Committee determines that malpractice has occurred, it will then seek to determine the appropriate sanction(s) to be applied, if any, considering the least severe sanction first, any points in mitigation and the appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches.

6.18 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of malpractice, this may be taken into consideration when determining whether a more severe sanction should be applied.

6.19 Where a decision is being made by the Malpractice Committee, the Malpractice Committee will seek to make decisions unanimously but, if necessary, may decide by a majority.

6.20 The Malpractice Committee must be satisfied from the evidence before it that, on the balance of probabilities, the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but the awarding organisation may decide that it is unable to accept the work of a candidate or to issue results in order to protect the integrity of the qualification for the majority. Where appropriate, the awarding organisation may issue estimated grades for the affected component(s)/ unit(s).

6.21 In situations where a case is deferred because the Malpractice Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and the individual against whom the allegation has been made.

6.22 All sanctions resulting from cases of malpractice are subject to appeal. Please see section 12 and the JCQ document *A guide to the awarding organisations' appeal processes* for further information:

http://www.jcq.org.uk/exams-office/appeals.

7 Sanctions

7.1 Awarding organisations impose sanctions on individuals and on centres responsible for malpractice in order to:

- minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaching the regulations;
- deter others from doing likewise.

7.2 Awarding organisations will impose sanctions on individuals found guilty of malpractice where appropriate. Sanctions will usually be applied in cases where there has been a risk to the integrity of the qualification. The individuals who receive sanctions will usually be the candidate(s) or the responsible member(s) of centre staff. However, when malpractice is judged to be the result of a serious management failure within a department or the whole centre, the awarding organisation may apply sanctions against the centre and/or centre management.

7.3 When determining the appropriate sanction(s) to be applied, the awarding organisation will consider whether the malpractice committed undermined, or attempted to undermine, the integrity of its examinations and assessments or had the potential to undermine public confidence.

7.4 The awarding organisations have agreed that sanctions will usually be chosen from a defined range. The agreed indicative sanctions for particular offences are set out in Appendices 4 (centre malpractice), 5 (centre staff malpractice) and 6 (candidate malpractice).

7.5 Awarding organisations reserve the right to apply sanctions flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

7.6 Sanctions will be based only on the evidence available.

7.7 The awarding organisations will ensure that all sanctions they impose are justifiable and reasonable.

7.8 Sanctions imposed upon candidates will only be applied in relation to assessments taken in the series/academic year in which malpractice has been identified and, where appropriate, future assessments (where a candidate is prohibited from taking an awarding organisation's qualifications for a period of time).

7.9 For consistency of approach in the application of sanctions, awarding organisations will not usually attach significant weight to the consequential effects (e.g. on university applications) of any particular sanction which might arise from the circumstances of the individual.

7.10 A permanent record will be kept of the impact of any sanctions on an individual candidate's results. For this reason, centres must not withdraw candidates after malpractice has been identified, even if the candidates have not completed the assessments in question. Doing so is considered as suspected malpractice. Similarly, centres are required to continue to make an entry for candidates who were not entered at the time they were found to have committed malpractice (see paragraph 4.5 for more details). All other information relating to specific instances of malpractice or irregularities will be destroyed, following the expiry of the awarding organisation's data retention period.

7.11 Heads of centre must inform those individuals found guilty of malpractice that information may be passed on to other awarding organisations and/or other appropriate authorities. This information will typically include the names, offences and sanctions applied to those found guilty of breaching the published regulations.

8 Sanctions for centre staff malpractice: individuals

8.1 When determining the appropriate sanction which should be applied to an individual, the awarding organisation will consider whether the integrity of its qualifications might be at risk if an individual found to have committed malpractice were to be involved in the future conduct, supervision or administration of the awarding organisation's examinations or assessments.

8.2 It is not the role of the awarding organisation to be involved in any matter affecting the member of staff's or contractor's contractual relationship with their employer or engager. Awarding organisations recognise that employers may take a different view of an allegation to that determined by the awarding organisation. An employer may wish to finalise any centre-based decision after the awarding organisation has reached its conclusion.

8.3 In determining the appropriate sanction, the awarding organisation will consider factors including:

- the potential risk to the integrity of the examination or assessment;
- the potential adverse impact on candidates;
- the number of candidates and/or centres affected; and
- the potential risk to those relying on the qualification (e.g. employers or members of the public).

The awarding organisation may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

8.4 Individuals may be subject to one or more sanctions.

8.5 Where a member of staff or contractor has been found guilty of malpractice, an awarding organisation may impose one or more of the following sanctions, which are entirely separate from any centre disciplinary sanctions:

1. Written warning

A written warning that, if the member of staff commits malpractice within a set period of time, further specified sanctions will be applied.

2. Training

The member of staff, as a condition of future involvement in the delivery of the awarding organisation's examinations and/or assessments, is to undertake specific training or mentoring within a particular period of time. The awarding organisation may request written confirmation of the delivery of the training.

3. Special conditions

Special conditions are imposed on the member of staff regarding their future involvement in the delivery of the awarding organisation's examinations and/or assessments. For example, the member of staff must be supervised.

4. Suspension/debarment

The member of staff is suspended/debarred from all involvement in the delivery or administration of the awarding organisation's examinations and assessments for a set period of time. Other awarding organisations, regulators and other organisations, such as the Teaching Regulation Agency (TRA) and Education Workforce Council (EWC), may be informed when a suspension/debarment is imposed.

8.6 These sanctions will be notified to the head of centre who must ensure that they are communicated to the individual(s) upon whom they have been imposed and that the sanctions are adhered to. Failure to communicate any sanction to an individual will be considered to be malpractice by the head of centre.

8.7 If a member of centre staff moves to another centre while subject to a finding of malpractice or a sanction, or if a member of centre staff moves to another centre during an investigation, the head of centre (of the centre at which the malpractice occurred) must immediately notify the awarding organisation of the move. Awarding organisations reserve the right to inform the head of the centre to which the staff member is moving as to the nature of and the reason for the finding of malpractice and/or the sanction.

8.8 If a centre changes awarding organisation for a qualification and a member of staff involved in the delivery or assessment of the qualification is subject to a sanction, the head of centre must notify the new awarding organisation.

8.9 The awarding organisation may, at its discretion, ask for monitoring activity to be undertaken or a plan devised to provide assurance that sanctions against centre staff are being appropriately applied. Such requirements are distinct and separate from the sanctions described in section 9.

9 Sanctions for centre staff malpractice: centres

9.1 Centres may be subject to one or more of the below sanctions.

9.2 Awarding organisations may, at their discretion, impose the following sanctions against centres:

1. Written warning

A written warning to the head of centre advising of the malpractice and warning that further action may be taken (including the application of sanctions and special conditions) should there be a recurrence or subsequent malpractice at the centre.

2. Review and report procedures/action plans

The head of centre will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment or all examinations/assessments in general. The head of centre will additionally be required to report back to the awarding organisation on improvements implemented by a set date. Alternatively, an action plan will be agreed between the awarding organisation and the centre which will need to be implemented as a condition of continuing to accept entries or registrations from the centre.

3. Approval of specific assessment tasks

The approval by the awarding organisation of specific assessment tasks in situations where these are normally left to the discretion of the centre.

4. Additional monitoring or inspection

The awarding organisation may increase, at the centre's expense, the normal level of monitoring that takes place in relation to their qualification(s).

5. Removal of direct claims

Direct claims status may be removed from the centre, meaning that all claims for certification must be authorised by the centre's external verifier. (This sanction only applies to vocational qualifications.)

6. Restrictions on examination and assessment materials

For a specified period of time, a centre will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used. These papers might be opened and distributed under the supervision of the awarding organisation officer (or appointed agent) responsible for the delivery. The centre might also be required to hand over to an awarding organisation officer (or appointed agent) the completed scripts and any relevant accompanying documentation rather than using the normal script collection or despatch procedures. These measures may be applied for selected subjects or all subjects.

7. Independent invigilators

The appointment for a specified period of time, at the centre's expense, of independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the published regulations.

8. Suspension of candidate registrations or entries

An awarding organisation may, for a period of time, or until a specific matter has been rectified, refuse to accept candidate entries or registrations from a centre. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.

9. Withdrawal of approval for one or more specific qualifications

An awarding organisation may withdraw the approval of a centre to offer one or more qualifications issued by that awarding organisation.

10. Withdrawal of centre recognition/approval

The awarding organisation may withdraw its recognition or approval for the centre. This would mean that the centre will not be able to deliver or offer students the respective awarding organisation's qualifications. The regulators, awarding organisation and other appropriate authorities will be informed if this action is taken. At the time of withdrawal of centre recognition, where determined by an awarding organisation, a centre will be informed of the earliest date at which it can reapply for registration and any measures it will need to take prior to this application. Centres which have had centre recognition withdrawn should not assume that reapproval will be treated as a formality.

9.3 Centres are liable for any expense incurred in ensuring compliance with the sanctions and/or special conditions.

10 Sanctions applied against candidates

10.1 Candidates may be subject to one or more sanctions (see Appendix 6).

10.2 Awarding organisations may, at their discretion, impose the following sanctions against candidates (it should be noted that, whilst the sanctions are numbered for ease of reference, the sequence of numbers does not imply that the sanctions become progressively more severe. Not all sanctions are applicable to all qualification types):

1. Warning

The candidate is issued with a warning that if they commit malpractice within a set period of time, further specified sanctions may be applied.

2. Loss of all marks for a section

The candidate loses all the marks gained for a discrete section of the work. A section may be part of a component, or a single piece of non-examination assessment if this consists of several items.

3. Loss of all marks for a component

The candidate loses all the marks gained for a component.

A component is more often a feature of a linear qualification than a unitised qualification, so this sanction can be regarded as an alternative to sanction 4. Some units also have components, in which case a level of sanction between numbers 2 and 4 is possible.

4. Loss of all marks for a unit

The candidate loses all the marks gained for a unit. This sanction can only be applied to qualifications which are unitised.

For linear qualifications, the option is sanction 3. This sanction usually allows the candidate to aggregate or request certification in that series, albeit with a reduced mark or grade.

5. Disqualification from a unit

The candidate is disqualified from the unit. This sanction is only available if the qualification is unitised. For linear qualifications the option is sanction 7.

The effect of this sanction is to prevent the candidate aggregating or requesting certification in that series, if the candidate has applied for it.

For qualifications with assessments taken throughout the academic year, the candidate will be disqualified from the unit and will not be able to use the unit to aggregate/certificate. The candidate will need to redo the unit in order to be eligible for aggregation/certification, subject to the awarding organisation's qualification requirements.

6. Disqualification from all units in one or more qualifications taken in that series or academic year

If circumstances justify, sanction 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous examination series are retained.) This sanction is only available if the qualification is unitised. For linear qualifications, the option is sanction 8.

For qualifications with assessments taken throughout the academic year, the candidate will be disqualified from the unit(s) and will not be able to use the unit(s) to aggregate/certificate. The candidate will need to redo the unit in order to be eligible for aggregation/certification, subject to the awarding organisation's qualification requirements.

7. Disqualification from a whole qualification

The candidate is disqualified from the whole qualification taken in that series or academic year. This sanction can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a candidate has not requested aggregation, the option is sanction 6. It may also be used with linear qualifications.

For qualifications with assessments taken throughout the academic year, the candidate will be disqualified from the unit(s) and will not be able to use the unit(s) to aggregate/certificate. The candidate will need to redo the unit in order to be eligible for aggregation/certification, subject to the awarding organisation's qualification requirements.

8. Disqualification from all qualifications taken in that series or academic year

If circumstances justify, sanction 7 may be applied to other qualifications. This sanction can be applied to unitised qualifications only if the candidate has requested aggregation. Any units banked in a previous examination series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a candidate has not requested aggregation, the option is sanction 6. It may also be used with linear qualifications. This sanction is only applied by the affected awarding organisation.

9. Candidate debarment

The candidate is barred from entering for one or more examinations for a set period of time. This sanction is applied in conjunction with any of the other sanctions above, if the circumstances warrant it.

10.3 Unless a sanction is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification may retake the component(s), unit(s) or qualification(s) affected in the next examination series or assessment opportunity, if the awarding organisation qualification permits this. For qualifications which have an endorsement component (such as GCSE English Language or A level Chemistry), candidates can carry forward their endorsement result to the next assessment opportunity, as long as there has been no indication that it has been affected by malpractice.

10.4 Heads of centre may wish to take further action themselves in cases of candidate malpractice.

11 Communicating decisions

11.1 Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible.

It is the responsibility of the head of centre to communicate the decision to the individuals concerned and to pass on details of any sanctions and action in cases where this is indicated. The head of centre must also inform the individuals if they have the right to appeal.

11.2 Awarding organisations will normally only communicate directly with a candidate (or the candidate's representative) when they are a private candidate, or when the awarding organisation has been liaising with the candidate directly regarding their alleged involvement in malpractice.

Awarding organisations reserve the right to communicate directly with candidates regarding investigations where they are directly impacted and the awarding organisation does not have assurance that the centre is communicating appropriately with the candidate(s).

11.3 Malpractice cases are usually confidential between the centre and the awarding organisation. However, in cases of serious malpractice, such as where the threat to the integrity of the examination or assessment outweighs a duty of confidentiality, it may be necessary for information to be exchanged amongst:

- the regulators;
- other awarding organisations;
- other regulatory or investigative organisations;
- professional registration and funding organisations; and
- other centres where the malpractice may affect the delivery of an awarding organisation's qualifications.

11.4 It is the responsibility of the head of centre to inform the accused individual that the awarding organisation may share information in accordance with paragraph 11.3.

12 Appeals

12.1 All awarding organisations have established procedures for considering appeals against sanctions arising from malpractice decisions.

The following individuals have a right to appeal against decisions of the Malpractice Committee or officers acting on its behalf:

- heads of centre, who may appeal against sanctions imposed on the centre or on centre staff, as well as on behalf of candidates entered or registered through the centre;
- members of centre staff, including those who may be under contract to fulfil assessment-related functions, as detailed on page 4 of this document, who may appeal against sanctions imposed on them personally;
- private (external) candidates;
- third parties who have been barred from taking or delivering the awarding organisation's examinations or assessments.

12.2 Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions. Appeals must normally be made within 14 days of receiving the malpractice outcome decision.

12.3 Further information about the awarding organisations' appeals process may be found in the JCQ document *A guide to the awarding organisations' appeals processes*:

http://www.jcq.org.uk/exams-office/appeals

Appendices

Appendix 1 Sources of information

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Appendix 11 Guidance on Supporting the Safeguarding and Wellbeing of Centre Staff and Candidates During a Suspected Malpractice Case

Appendix 12 Joint Cases

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Appendix 1 Sources of information

In addition to the requirements found in subject or qualification specifications, the following documents contain the regulations relating to the conduct of examinations and assessments.
In all cases, the most recent version of the regulations must be referred to.

The following JCQ documents are available on the JCQ website:

Booklets

- A guide to the awarding organisations' appeals process
- A guide to the special consideration process
- Access Arrangements and Reasonable Adjustments
- AI Use in Assessments: Your role in protecting the integrity of qualifications
- General Regulations for Approved Centres
- Instructions for conducting coursework
- Instructions for conducting examinations
- Instructions for conducting non-examination assessments (GCE & GCSE specification)
- Instructions for conducting non-examination assessments (Vocational and Technical Qualifications) – Joint Council for Qualifications
- Suspected Malpractice Policies and Procedures (this document)
- Plagiarism in Assessments Guidance for Teachers/Assessors
- Post-Results Services

Joint Council Notices

- Information for candidates – Joint Council for Qualifications
- Information for candidates (non-examination assessments)
- Information for candidates (for on-screen examinations)
- Information for candidates (social media)
- Information for candidates for written examinations
- Unauthorised items poster
- Warning to candidates
- JCQ AI Infographic

The following awarding organisation documents are also available:

AQA

- *Malpractice – A Guide for Centres*

City & Guilds

- *Managing cases of suspected malpractice in examinations and assessments*
- *Policy for individuals who wish to report suspected malpractice*
- *Centre Handbook*

CCEA

- *Compliance & Malpractice*

Cambridge OCR

Qualification-specific Administrative Guides

NCFE

NCFE Appeals Policy

Regulation for the Conduct of External Assessment

Qualification Specific Instructions for Delivery (QSID)

Regulations for the conduct of Controlled Assessments: Functional Skills

Regulations for the Conduct of Synoptic Project

Mandatory policies and fees | NCFE

Assessment regulations and guides | NCFE

Pearson

Centre Guidance: Dealing with malpractice and maladministration

Policy on the removal of programme and centre approval

Subject-specific instructions for the conduct of examinations

WJEC

Examinations Requirements Booklet

Internal Assessment: A Guide for centres

WJEC Instructions for conducting controlled assessments

Guide to preventing, reporting and investigating malpractice

Guide to Appeals

General Conditions for WJEC centres

Regulatory documents are available on the regulators' websites.

Appendix 2 Examples of malpractice

The following are examples of malpractice. **This is not an exhaustive list** and as such does not limit the scope of the definitions set out earlier in this document. Other instances of malpractice may be identified and considered by the awarding organisations at their discretion. Where systemic, the centre staff malpractice examples below constitute centre malpractice.

Part 1: Centre staff malpractice

1. Breach of security

Any act which breaches, or places at risk, the confidentiality of question papers, assessment materials and their electronic equivalents, or the confidentiality of candidates' scripts and their electronic equivalents.

It could involve:

- failing to keep examination material secure prior to an examination, including digital examination materials;
- discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g. internet forums/social media;
- moving the time or date of a fixed examination beyond the arrangements permitted within the JCQ document *Instructions for conducting examinations*. Conducting an examination before the published date constitutes centre staff malpractice and is a clear breach of security;
- failing to adequately supervise candidates who have been affected by a timetable variation (this would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day);
- releasing candidates early from a timetabled assessment (e.g. before 10 a.m. for a morning session examination);
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination question papers after an examination in cases where the life of the paper extends beyond the particular session, e.g. where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts, controlled assessments, coursework or non-examination assessments after collection and before despatch to the awarding organisation/examiner/moderator (this would include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding organisation/examiner);
- failing to keep secure computer files which contain candidates' controlled assessments, coursework or non-examination assessments.

2. Deception

Any act of dishonesty in relation to an examination or assessment, including but not limited to:

- inventing or changing marks for internally-assessed components (e.g. non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded;
- manufacturing evidence of competence against national standards;
- fabricating assessment and/or internal verification records or authentication statements;
- entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud);
- substituting one candidate's controlled assessment, coursework or non-examination assessment for another's;
- providing misleading or inaccurate information to an awarding organisation, candidates and/or parents.

3. Improper assistance to candidates

Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates which results in a potential or actual advantage in an examination or assessment.

For example:

- assisting candidates in the production of controlled assessment, coursework, non-examination assessments or portfolios beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessments, coursework or non-examination assessments with other candidates in a way which allows malpractice to take place;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in an examination/assessment by means of signs or verbal or written prompts;
- assisting candidates granted the use of a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe beyond that permitted by the regulations.

4. Failure to co-operate with an investigation

For example:

- failure to make available information reasonably requested by an awarding organisation in the course of an investigation or in the course of deciding whether an investigation is necessary; **and/or**
- failure to investigate on request, in accordance with the awarding organisation's instructions or advice; **and/or**
- failure to investigate or provide information according to agreed deadlines; **and/or**
- failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding organisation.

5. Maladministration

Failure to adhere to the regulations governing controlled assessments, coursework, examinations and non-examination assessments. This includes breaches relating to the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and/or certificate claim forms, etc.

For example:

- failing to ensure that candidates' controlled assessment, coursework, non-examination assessment or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised;
- failure on the part of the head of centre to adhere to awarding organisation specification requirements in the delivery of non-examination assessments, Endorsements and other projects required as part of a qualification. These include the GCSE Computer Science Programming Project, GCSE English Language Spoken Language Endorsement and/or the GCE A level Biology, Chemistry, Geology and Physics Practical Skills Endorsement;
- failing to adhere to awarding organisation key dates and deadlines relating to the delivery of examinations and assessments (such as those relating to the return of scripts, reporting of internal assessment marks/grades, making entries/claims and Head of Centre Declarations);
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria detailed within Chapter 7 of the JCQ document *Access Arrangements and Reasonable Adjustments;*
- failure to use the correct tasks/assignments for assessments;
- failing to ensure that artificial intelligence is not the sole means of marking candidates' work;
- failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with the JCQ documents;

- failing to issue to candidates the appropriate notices and warnings, e.g. JCQ *Information for candidates* documents;
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations;
- failing to post notices relating to the examination or assessment outside all rooms (including Music and Art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to the requirements stipulated in the JCQ document *Instructions for conducting examinations*;
- failing to prevent the introduction of unauthorised material into the examination room, either prior to or during the examination (NB this precludes the use of the examination room to coach candidates or give subject-specific presentations, including Powerpoint presentations, prior to the start of the examination);
- failing to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting;
- failure to invigilate examinations in accordance with the JCQ document *Instructions for conducting examinations;*
- failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements;
- failure to have in place a malpractice policy;
- failure to have on file for inspection purposes appropriate evidence, as per the JCQ document *Access Arrangements and Reasonable Adjustments*, to substantiate approved access arrangements processed electronically using the *Access arrangements online* system;
- granting access arrangements to candidates who do not meet the requirements of the JCQ document *Access Arrangements and Reasonable Adjustments;*
- granting access arrangements to candidates where prior approval has not been obtained from the *Access arrangements online* system or, in the case of a more complex arrangement, from an awarding organisation;
- failure to provide the correct access arrangements to candidates where approval has been granted
- failure to supervise effectively the printing of computer-based assignments when this is required;
- failing to retain candidates' controlled assessments, coursework or non-examination assessments securely after the authentication statements have been signed or the work has been marked;
- failing to maintain the security of candidate scripts prior to despatch to the awarding organisation or examiner;
- failing to despatch candidates' scripts, controlled assessments, coursework or non-examination assessments to the awarding organisations, examiners or moderators in a timely way;
- failing to notify the appropriate awarding organisation immediately of all alleged, suspected or actual incidents of malpractice;
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation;
- breaching the published arrangements for the release of examination results;
- inappropriate retention or destruction of certificates;
- failing to recruit learners with integrity, including the recruitment of learners who have not met the qualification's minimum entry requirements wherever stipulated and/or the recruitment of learners who are unable or otherwise unlikely to complete the qualification;
- failing to ensure that, where candidates are producing work for assessments which are not completed under examination conditions, teaching staff check that the assessment tasks being completed and the approach candidates are taking are appropriate, giving due consideration to ethical standards and the centre's safeguarding responsibilities.

Part 2: Candidate malpractice

For example:

- the alteration or falsification of any results document, including certificates, or using or allowing the use of any such altered or falsified document;
- a breach of the instructions or advice of an invigilator, supervisor, or the awarding organisation in relation to the examination or assessment rules and regulations;
- the unauthorised use of alternative electronic devices or technology during remote assessment and remote invigilation;
- accessing the internet, online materials or AI tools during remote assessment and remote invigilation, where this is not permitted;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with others, beyond what is permitted;
- copying from another candidate (including the use of technology to aid the copying);
- allowing work to be copied, e.g. posting work on social networking sites prior to an examination/assessment;
- the deliberate destruction of another candidate's work;
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- failing to report to the centre or awarding organisation the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information online;
- exchanging, obtaining, receiving and/or passing on information (or the attempt to) which could be assessment related by means of talking or electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio;
- allowing others to assist in the production of controlled assessments, coursework, non-examination assessments, examination responses or assisting others in the production of controlled assessments, coursework, non-examination assessments or examination responses;
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials);
- being in possession of unauthorised confidential information about an examination or assessment;
- bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);
- the inclusion of inappropriate, offensive, obscene, homophobic, transphobic, racist or sexist material in scripts, controlled assessments, coursework, non-examination assessments or portfolios;
- personation: pretending to be someone else for fraudulent purposes, arranging for another person to take one's place in an examination or an assessment;
- plagiarism: unacknowledged copying from, or reproduction of, third party sources or incomplete referencing (including the internet and artificial intelligence (AI) tools);
- theft of another candidate's work;
- being in possession (whether used or not) of unauthorised material during an examination or assessment, such as: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), watches, instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, AirPods, smart glasses, smart devices, MP3/4 players, pagers or other similar electronic devices;
- the unauthorised use of a memory stick or similar device where a candidate uses a word processor;
- facilitating malpractice on the part of other candidates;
- behaving in a manner that undermines the integrity of the examination.

Appendix 3 A guide to gathering information for a malpractice investigation

The person gathering information on an allegation of candidate malpractice within a centre must collect the information and submit a report to the awarding organisation.

The person gathering information must have no personal or other potential conflict of interest in the outcome of that investigation.

The report **must** detail:

- who was involved in the incident, including candidates, members of staff and/or invigilators;
- the facts of the case, as established from information and/or statements from those involved.

The report **must** include:

- a clear account of the circumstances in as much detail as necessary;
- details of the activities carried out by the centre;
- written statements from any teachers, invigilators, members of staff or other witnesses concerned, which **must** be signed and dated (where members of staff accused of malpractice decline the opportunity to provide a statement, this must be made clear to the awarding organisation);
- written statements from any candidates concerned including, in particular, the candidate(s) alleged to have engaged in malpractice, which **must** be signed and dated (where candidates accused of malpractice decline the opportunity to provide a statement this must be made clear to the awarding organisation);
- any other information relevant to the allegation;

and, where appropriate:

- information about how the centre makes candidates aware of the awarding organisations' regulations;
- seating plans;
- any unauthorised material found in the examination room;
- photographic evidence of any material written on hands/clothing etc;
- any candidate work/associated material which is relevant to the investigation;
- any other relevant evidence.

Individuals implicated in malpractice **must** be afforded their rights, as detailed in paragraph 5.35.

Form JCQ/M3, which can be found in Appendix 10 of this document and at **http://www.jcq.org.uk/exams-office/malpractice**, **must** be used as the basis of the report. The checklist at the end of the form needs to be completed for each member of staff implicated and submitted with the report.

If an allegation is delegated to a senior member of centre staff, the head of centre retains overall responsibility for gathering the information and must first seek approval from the awarding organisation to delegate the information gathering.

In selecting a suitable senior member of staff, the head of centre **must** take all reasonable steps to avoid a conflict of interest.

Where a conflict of interest may be seen to arise, investigations into suspected malpractice **must not** be delegated to the manager of the section, team or department involved in the suspected malpractice. **The person conducting the investigation must have no personal interest in the outcome of the investigation.**

Reports, evidence and supporting statements **must** be sent to the awarding organisation concerned.

If at any stage during the investigation the centre is unsure what to do, advice and guidance should be sought from the malpractice investigation team at the relevant awarding organisation. Contact information is provided at the end of this document in Appendix 13.

Appendix 4 Indicative sanctions against centres

This table is for guidance only and sanctions can be flexibly applied according to the details of each individual case.

Proposed sanction	Broad reason for the sanction
Written warning	Minor non-compliance with the regulations or maladministration with no direct or immediate threat to the integrity of an examination or assessment.
Review and report (action plans)	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 of procedures or regulations 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.
The 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 of the centre. Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre. Failure to co-operate with awarding organisation requests to thoroughly investigate suspected malpractice. Failure to implement a specified action plan.

Appendix 5 Indicative sanctions against centre staff

This table is for guidance only and sanctions can be flexible applied according to the details of each individual case.

Type of offence	Warning	Training	Special conditions	Suspension (see also table below)
Improper assistance	Minor assistance, no significant impact, e.g. where not allowed, headings or a basic table template, small amounts of simple/ generic feedback, sharing exemplars without careful control (where individual is untrained/ inexperienced).	Limited help, minimal impact, misunderstanding rules or lack of experience, e.g. new reader clarifies questions, non-specialist gives 'how to' guide in non-examination assessment (NEA) against regulations.	Limited help and impact, e.g. staff member gives general 'how to' guide, giving exemplars with no control and/or feedback beyond regulations in presence of mitigating factors, e.g. in NEA following recent specification change where allowed in previous specification.	Significant impact; impairment to validity of assessments, e.g. feedback beyond regulations, giving exemplars for copying, provision of answers.
Maladministration	Repeated use of out of date or wrong tasks and/or texts, minor errors in following assessment regulations with minimal impact on candidates, e.g. granting legitimate access arrangements when approval not given, minor ethical and/or safeguarding concerns with assessment content produced by candidates, due to poor supervision.	Errors in following assessment regulations by inexperienced/ insufficiently-trained staff, e.g. new invigilator failing to manage timings correctly; scribe reading questions. A failure to ensure that assessments are being completed and supervised appropriately due to inexperience/lack of training, where the content gives rise to ethical and/or safeguarding concerns.	Errors in following assessment regulations by experienced members of staff but with limited impact affecting a limited number of candidates, e.g. granting access arrangements to ineligible candidates to limited effect which is not systemic in scope; failure to invigilate clash candidates adequately to limited impact. A failure to identify and act on candidate assessments where the content gives rise to ethical and/or safeguarding concerns.	Errors in following assessment regulations that compromise integrity of assessment or submissions; or breach of regulations that impacts results; or systemic, repeated or continuing non-compliance with JCQ regulations; failure to provide training for invigilators, and/or those facilitating access arrangements. A failure to take appropriate action when there is an awareness that the content of candidate assessments could give grounds for serious ethical and/or safeguarding concerns.
Deception	This box is intended to be blank.	This box is intended to be blank.	This box is intended to be blank.	Falsifying candidates' work or submissions, systemic non-compliance with JCQ regulations; falsifying marks, entering fictitious and/or ineligible candidates for exams; fabricating evidence for access arrangements.

Type of offence	Warning	Training	Special conditions	Suspension
Breach of Security	Failure to give due care and attention to security (including electronic security) of assessment materials not resulting in a breach of security, e.g. materials left outside of secure store but no breach to seals on question paper packets. Risk presented to integrity of exam but no evidence of breach; failure to store papers appropriately but with no impact beyond increased risk; failure to audit or review account access or account inactivity.	Risk presented to integrity of exam with evidence of failure to understand regulations designed to protect exam integrity, e.g. incorrect papers removed from secure store, no second pair of eyes check, sharing Multi Factor Authentication device(s)/details but content of papers not divulged to any unauthorised third party.	Inadvertent/ accidental failure to follow security regulations or action that has the potential to breach examination security, e.g. giving candidates the wrong paper but breach contained to candidates within centre; failure to follow requirements in section 4 of *JCQ ICE* which inadvertently facilitates unauthorised access to secure electronic materials.	Abuse of legitimate access to confidential material, e.g. sharing live exam questions with candidates in advance of the scheduled exam time; failure to act promptly to contain the impact of a breach of security at the centre; failure to arrange exam clash supervision, leading to significant impact.
Failure to cooperate/ report issues	Minor non-compliance, e.g. delay in meeting investigation timescales without agreement, delay in reporting.	Failure to investigate in accordance with JCQ guidance.	Failure to report a low-impact incident of malpractice. Failure to take action required by an awarding organisation.	Failure to report a significant case of malpractice; failure to gather information; failure to respond to awarding organisation communications; submission of investigation reports that are misleading or contain false information that may lead an awarding organisation to an incorrect conclusion.

Type of offences	1-2 year suspension	3-5 year suspension	5-10 year suspension	10 year+ suspension
All staff malpractice offences – centre staff & Heads of Centre where individuals are directly implicated in the malpractice	The individual's actions, whilst significant in impact, were limited to a small number of candidates and/or limited in duration.	The individual's actions (potentially) affected a large number of candidates and/or took place over an extended period of time.	The individual's actions were repeated a number of times and posed a serious threat to the integrity of the qualifications. The individual's conduct raises serious concerns regarding their suitability to be involved in the administration or delivery of assessments.	The individual's actions showed a disregard for expected behaviours in regard to assessment delivery and posed a significant threat to the integrity of the qualifications, the welfare of learners and/or public confidence in qualifications. The individual's conduct raises serious concerns regarding their suitability to be involved in the administration or delivery of assessments for a considerable period of time.
Systemic issues and/or malpractice offences committed by centre staff and/or failures in qualification delivery which are so serious/extensive that the Head of Centre knew or should have known about them.	The Head of Centre failed to have in place appropriate arrangements to prevent the malpractice from occurring; the Head of Centre failed to take prompt action to address malpractice.	Multiple failures by the Head of Centre to fulfil their obligations to the awarding organisation; the Head of Centre failed to respond appropriately to the malpractice and the investigation.	Multiple, continued failures by the Head of Centre to fulfil their obligations to the awarding organisation; the Head of Centre failed to respond appropriately to the malpractice and the investigation. The Head of Centre's conduct raises serious concerns regarding their suitability to be involved in the administration or delivery of assessments.	The Head of Centre failed to respond appropriately to the malpractice and the investigation. The Head of Centre's conduct raises serious concerns regarding their suitability to be involved in the administration or delivery of assessments for a considerable period of time.

Appendix 6 Indicative sanctions against candidates

This table is for guidance only and sanctions can be flexibly applied according to the details of each individual case.

In instances where the box is blank, the sanction may still be used.

The structure of awarding organisations' qualifications can differ. Therefore, all the available sanctions may not be relevant for every qualification.

Type of offence	**Warning** (Sanction 1)	**Loss of marks** (Aggregation still permitted) (Sanctions 2-4)	**Loss of aggregation or certification opportunity** (Sanctions 5-9)
Introduction of unauthorised material into the examination room, such as:			
Own blank paper	used for rough work	used for final answers	
Calculators, dictionaries (when prohibited)	not used	used or attempted to use	
Bringing into the examination room notes in the wrong format or prohibited annotations	notes/annotations go beyond what is permitted but do not give an advantage; content irrelevant to subject	notes/annotations are relevant and give an unfair advantage	notes/annotations introduced in a deliberate attempt to gain an advantage
Unauthorised notes, study guides and personal organisers	content irrelevant to subject	content relevant to subject	content relevant to subject and evidence of use
Mobile phone or similar electronic devices (including iPod, MP3/4 player, memory sticks, smartphone, smartwatch, smart glasses, smart devices, AirPods, earphones and headphones)	not in the candidate's possession but makes a noise during the examination	in the candidate's possession but no evidence of being used by the candidate	in the candidate's possession and evidence of being used by the candidate
Watches (not smartwatches)	in candidate's possession		

Standard sanctions:

1. warning;
2. loss of all marks gained for a section;
3. loss of all marks gained for a component;
4. loss of all marks gained for a unit;
5. disqualification from the unit;
6. disqualification from all units in one or more qualifications taken in that series or academic year;
7. disqualification from the whole qualification;
8. disqualification from all qualifications taken in that series or academic year;
9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Breaches of examination conditions			
A breach of the instructions or advice of an invigilator, supervisor or the awarding organisation 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
Using or attempting to use a word processor/ computer/laptop to gain access to unauthorised material/internet		evidence of attempting to access unauthorised material/internet	evidence of accessing unauthorised material/ internet to attempt to gain an advantage
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 evidence of the integrity was maintained	removing script from examination room but with no evidence the integrity has been maintained; taking home materials	deliberately breaking a timetable clash supervision arrangement; removing script from the examination room and with evidence that the script has been tampered with; leaving examination room early so integrity is impaired
Disruptive behaviour in the examination room or assessment session (including use of offensive language)	minor disruption lasting a short time; calling out, causing noise, turning around	repeated or prolonged disruption; unacceptably rude remarks; being removed from the examination room; taking another's possessions	warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property

Standard sanctions:

1. warning;
2. loss of all marks gained for a section;
3. loss of all marks gained for a component;
4. loss of all marks gained for a unit;
5. disqualification from the unit;
6. disqualification from all units in one or more qualifications taken in that series or academic year;
7. disqualification from the whole qualification;
8. disqualification from all qualifications taken in that series or academic year;
9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Exchanging, obtaining, receiving or passing on information (or the attempt to) which could be examination related:			
Verbal communication	isolated incidents of talking before the start of the examination or after papers have been collected	talking during the examination about matters not related to the exam; accepting examination related information	talking about examination related matters during the exam; whispering answers to questions
Communication	passing/receiving written communications which clearly have no bearing on the assessment	accepting assessment related information	passing assessment related information to other candidates; helping one another; swapping scripts
Offences relating to the content of candidates' work			
The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework, non-examination assessments or portfolios	isolated words or drawings, mildly offensive, inappropriate approaches or responses	frequent mild obscenities or drawings; isolated strong obscenity; isolated mild obscenities or mildly offensive comments aimed at the examiner or member of staff	offensive comments or obscenities aimed at a member of staff, examiner or religious group; homophobic, transphobic, racist or sexist remarks or lewd drawings

Standard sanctions:

1. warning;
2. loss of all marks gained for a section;
3. loss of all marks gained for a component;
4. loss of all marks gained for a unit;
5. disqualification from the unit;
6. disqualification from all units in one or more qualifications taken in that series or academic year;
7. disqualification from the whole qualification;
8. disqualification from all qualifications taken in that series or academic year;
9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Collusion: working collaboratively with others 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 due to a deliberate attempt to share work
Plagiarism: unacknowledged copying from or reproduction of third party sources (including the internet and AI tools); incomplete referencing	minor amount of plagiarism from sources listed in the bibliography/poor referencing/ acknowledgement in places	plagiarism from sources listed in the bibliography or referenced/acknowledged; **or** minor amount of plagiarism from a source not listed in the bibliography or referenced/ acknowledged	plagiarism from sources not listed in the bibliography or referenced/acknowledged; **or** plagiarised text comprises the substance of the work submitted and the source is listed in the bibliography or referenced/ acknowledged
Making a false declaration of authenticity		sections of work done by others but most are still the work of the candidate	most or all of the work is not that of the candidate
Copying from another candidate or allowing work to be copied (including the misuse of technology)	lending work not knowing it would be copied	permitting examination script/work to be copied; showing other candidate answers	copying from another candidate's script, controlled assessment, coursework, non-examination assessment; borrowing work to copy
Undermining the integrity of the examinations/ assessments			
The deliberate destruction of work	minor damage to work which does not impair visibility	defacing scripts; destruction of candidate's own work	significant destruction of another candidate's work
The alteration, falsification or unauthorised creation of any results document, including certificates, or the use of, or knowingly allowing the use of, a false or falsified results document for any purpose			falsification/forgery

Standard sanctions:

1. warning;

2. loss of all marks gained for a section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in that series or academic year;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series or academic year;

9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
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 organisation	misuse of assessment material or exam related information, including: attempting to gain or gaining prior knowledge of assessment information; improper access to assessment related information (including electronic means); improper disclosure (including electronic means); receipt of assessment information from the examination room; facilitating malpractice on the part of others; passing or distributing assessment related information to others
Removing or stealing any candidate's work			Unauthorised removal of any candidate's work (e.g. project/coursework)
Personation			deliberate use of wrong name or number; personating another individual; arranging to be personated
Behaving in a way as to undermine the integrity of the examination/ assessment			for example, attempting to obtain certificates improperly; attempted bribery; attempting to unfairly influence a centre staff member, awarding organisation staff member or other assessment representative; attempting to obtain or supply exam materials improperly

Standard sanctions:

1. warning;

2. loss of all marks gained for a section;

3. loss of all marks gained for a component;

4. loss of all marks gained for a unit;

5. disqualification from the unit;

6. disqualification from all units in one or more qualifications taken in that series or academic year;

7. disqualification from the whole qualification;

8. disqualification from all qualifications taken in that series or academic year;

9. barred from entering for examinations for a set period of time.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Use of social media for the exchange and circulation of real or fake assessment material	attempting to source secure assessment related information online/via social media	accepting/receiving real or fake assessment related information via social media without reporting it to the awarding organisation	misuse of assessment material (real or fake), including: attempting to gain or gaining prior knowledge of assessment information via social media; improper disclosure of real or fake assessment information; passing or distributing real or fake assessment related information to others
Obstructing or hindering a malpractice investigation	failing to report suspected malpractice by other candidates	providing incomplete information to those gathering information for a malpractice investigation	providing misleading and/or significantly incomplete information to those gathering information for a malpractice investigation

Standard sanctions:

1. warning;
2. loss of all marks gained for a section;
3. loss of all marks gained for a component;
4. loss of all marks gained for a unit;
5. disqualification from the unit;
6. disqualification from all units in one or more qualifications taken in that series or academic year;
7. disqualification from the whole qualification;
8. disqualification from all qualifications taken in that series or academic year;
9. barred from entering for examinations for a set period of time.

Appendix 7 Illustrations of malpractice

The following illustrations of malpractice are edited examples from the historical records of all the awarding organisations which are party to the Joint Council regulations. Please note that although specific subjects are identified in the examples below, the circumstances described and the associated actions and sanctions could be applied to any qualification as appropriate.

1 Centre staff malpractice

1.1 Breach of security
Awarding organisation: Pearson
Qualification: A level Economics

The awarding organisation was contacted by a candidate raising concerns that candidates at a different school had been provided with the question paper before they sat the examination. The concerns were supported by copies of text messages between candidates.

The awarding organisation contacted the head of centre and asked him to gather evidence relating to the matter, including statements from staff involved in the delivery of the examination and the candidates in question.

From the initial information and the evidence obtained by the head of centre, it was established that the following sequence of events had occurred. A number of candidates had been unable to sit the A level Economics examination scheduled for the morning, as they had a timetable clash with another examination. The candidates were therefore kept under supervision after completing their first examination while they waited to sit the A level Economics examination in the afternoon. In error, an invigilator supervising the candidates intended to provide them with an old question paper for revision purposes but actually provided them with a copy of the A level Economics paper they were shortly to sit. The candidates were aware of the error but, rather than reporting it, instead chose to study the paper in detail.

The awarding organisation reviewed the evidence and determined that the candidates should be disqualified from all of the awarding organisations qualifications in that series. The head of centre had provided assurances regarding the measures to be taken to prevent a recurrence, so the awarding organisation issued the staff members responsible for the error with written warnings.

1.2 Deception
Awarding organisation: Cambridge OCR
Qualification: Cambridge Technical Health and Social Care

The centre reported a case of suspected malpractice to Cambridge OCR. A staff member had identified, from centre IT activity, that a staff member had amended candidates' work for their Cambridge Technical in Health and Social Care assessments. The centre reported that the staff member had made changes to candidates' submitted work prior to the moderator visit, without their knowledge and in order to positively influence their results.

The centre identified compromised work across at least five candidates and at least six units, including in a different year group to those initially identified. It became apparent that more work had been altered than had been initially admitted or reported. In the second interview, the staff member mentioned making amendments to candidate work for a unit that she had not taught but had access to for the purpose of internal verification. At this stage the staff member was also unable to recall or confirm which, if any, further documents had been amended.

The staff member was suspended from any involvement in the awarding organisation's qualifications for a period of four years.

1.3 Improper assistance to candidates
Awarding organisation: AQA
Qualification: GCSE Art and Design

The head of centre reported the following allegation regarding the administration of the GCSE Art and Design externally-set assignment non-examination assessment (NEA):

'During the Art examination for the three students, it was alleged that examination rules were broken. From the initial fact find we now have evidence to suggest that the teacher responsible for administering this assessment allowed the students to listen to music via their headphones and provided direction to at least two of the three students. The direction included drawing an outline of a fruit bowl and for another student the direction was with regards to the use of shading.'

In response to the allegation received, the awarding organisation requested that a member of the centre's senior leadership team, with no line management responsibilities for the department involved or personal interest in the outcome of the investigation, interview:

- the teacher responsible for administering the assessment;
- the invigilator overseeing the assessment;
- the three candidates present in the examination room.

After careful consideration of all the evidence put forward within the case papers, the Malpractice Committee reached the conclusion that the teacher responsible for administering the assessment had:

- provided improper assistance by assisting candidates in the production of non-examination assessment (NEA) beyond the extent permitted by the regulations.

Also, that both the teacher and the invigilator had:

- committed maladministration by allowing candidates to listen to music and, in doing so, failed to adhere to the regulations regarding the conduct of non-examination assessments.

In accordance with the JCQ Centre Staff Sanctions Tariff, the teacher was suspended from involvement in the awarding organisation's examinations for a period of one year to be followed by one year in which the member of staff must not have any unsupervised involvement in examinations for that awarding organisation.

The Malpractice Committee accepted the mitigating circumstance put forward by the invigilator in this case and determined not to impose any sanction or penalty on this individual. The committee did, however, recommend that the invigilator complete additional training prior to involvement in future examinations and assessments.

The awarding organisation decided it could not accept the work of the candidates for the unit. Candidates were instead issued with an assessed grade using the Z-score method.

1.4 Maladministration
Awarding organisation: Cambridge OCR
Qualification: GCE A level Art and Design, GCE AS level Art and Design, GCSE Art and Design

The centre reported concerns around administration of art examinations and coursework at both GCSE and GCE level:

- Candidates had access to their mobile phones during the timed assessments and candidates' work had not been kept secure following the commencement and completion of the timed assessments.
- The evidence indicated that assessments may not have been conducted to appropriate timings, and there was further evidence that the Head of Art had tampered with a candidate's painting.
- Posters relating to conduct in the Art examination were not displayed.
- There was evidence that timings of the examinations were not strictly enforced.
- The Head of Art allowed pupils to access coursework and timed examination pieces after the deadline and the marks had been collated.
- The Head of Art admitted that the administration of the examinations was not in line with JCQ regulations and that they had not read the JCQ regulations or invigilation information that had been given to staff.

- Pupils were allowed to listen to music on their mobile phones and no guarantee could be given that this was all they had done.
- The Head of Art took a paintbrush and painted one large stroke and then several others across a candidate's work.

After careful examination of the evidence, it was decided that the case clearly showed failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, as well as malpractice in the conduct of examinations/assessments.

The Malpractice Committee applied a 4-year suspension to the Head of Art.

1.5 Failure to meet assessment and certification deadlines
Awarding organisation: Pearson
Qualification: BTEC Level 3 Business

To ensure the timely certification of vocational learners expecting a result in the summer, centres were required to submit all their internal assessment results and requests for certification by a fixed deadline.

Where centres did not meet this, despite frequent reminder communications, they were investigated for potential malpractice.

One centre advised that their learners had previously been on track; however, unexpected staffing shortages had meant that they were unable to internally moderate their work in time.

While this may have been outside of the centre's control, it appeared that they did not have sufficient contingency arrangements and they also did not keep Pearson informed of the delays.

The centre did subsequently complete the necessary actions and certification was not delayed for the learners. However, the centre was issued with a written warning for failing to meet the deadline.

1.6 Failure to despatch assessment materials and wider examination administration issues
Awarding organisation: CCEA
Qualification: Multiple

During the summer examination series, issues were identified in relation to a centre's failure to despatch completed assessment materials in a timely fashion, affecting a range of GCSE and GCE qualifications.

During the investigation, several other issues regarding examination administration and conduct were identified. The range of issues was such that awarding organisation staff were deployed to the centre to provide support in completing administrative tasks.

1.7 Failure to follow live set assignment requirements resulting in maladministration
Awarding organisation: Cambridge OCR
Qualification: Cambridge Nationals in Creative iMedia J834

During the moderation process, the moderator raised concerns, as the work a centre submitted for their candidates for unit R097 did not match the live set-assignment. Some candidates' work had missing products to support marks. Other candidates' work had basic products which had no resemblance to the required product mentioned in the live set-assignment. As a result of candidates not following the correct live set-assignment, the work produced did not meet the requirements of the live set-assignment or the marking criteria and centre marks awarded to candidates did not match the work produced.

After careful consideration of the evidence, it was decided that maladministration was proven, as there was a failure to follow the assessment regulations stipulated in the specification. As a result, learners received zero marks for the unit, the teacher was given a training sanction and the centre was given a review and report (action plan).

2 Candidate malpractice

2.1 Plagiarism
Awarding organisation: Cambridge OCR
Qualification: Cambridge Nationals Creative iMedia

Suspected plagiarism was identified in the work of several candidates during the moderation process. An investigation confirmed that candidates had been taught about plagiarism, including the need to reference their work and that they must not copy and paste from the internet.

The plagiarised material was predominantly confined to facts and definitions, particularly of file type, knowledge of which is a requirement of one of the tasks and key learning objectives.

The evidence showed that staff malpractice had not taken place because candidates had been taught about plagiarism. The technical nature of the information plagiarised meant it was difficult to accurately define it without using specific words or phrases found in definitions on the internet.

As a result of the investigation, the two candidates who were identified as having copied and pasted information without making any changes were given a warning.

2.2 Copying and collusion
Awarding organisation: NCFE
Qualification: Functional Skills L3 Mathematics

The examiner reported that multiple answers in the scripts of two candidates (Candidate A and Candidate B) from one centre were similar.

The awarding organisation contacted the head of centre to advise of the issues identified by the examiner and requested that they conduct an internal investigation to establish the course of events which led to Candidates A and B submitting similar responses.

The head of centre reported back to the awarding organisation that, when interviewed, Candidate A had admitted to copying extracts from Candidate B's work. The investigation findings highlighted that the centre had failed to ensure the assessment room set up was in line with the required regulations and that the distance at which candidates were seated was insufficient, enabling Candidate A to view the work of Candidate B.

As a result, Candidate A was disqualified from the qualification (sanction 7). In addition, the invigilator received a warning and the requirement for further training.

2.3 Use of social media
Awarding organisation: WJEC
Qualification: GCSE Chemistry

At approximately midday on the day of the examination, two candidates from Centre A received an Instagram post which contained the images of six pages from what was claimed to be the examination paper these candidates were to sit on the afternoon of the same day. The two candidates reported it to their teacher immediately and without delay the centre contacted the awarding organisation and sent them a copy of the images. Although the two candidates were not sure of the full name of the person they followed on Instagram, they knew he was a student in a nearby school.

The awarding organisation confirmed that the images were of the live paper timetabled for the afternoon of that day. The screen shot images showed the sender's profile name, which was a corruption of a proper name. The awarding organisation searched its entry records for candidates with similar names and found one particular candidate at Centre B, which is geographically near to Centre A.

The awarding organisation contacted the examinations officer at Centre B, who confirmed that the suspected candidate was at that centre and had a timetable clash that day. The examinations officer confirmed that the candidate had sat the paper in question earlier on that day. The candidate had completed the examination and was currently under supervision between examinations.

When approached about the allegation, the candidate immediately admitted to smuggling a mobile phone into the examination room and photographing pages of the paper which they then posted on Instagram.

A list of Instagram followers' profile names was taken from the mobile phone and forwarded to the awarding organisation. The images were removed by deleting the Instagram post at approximately 1.00pm.

A wider investigation was undertaken by the awarding organisation to ascertain the extent of the potential breach of security. The two students at Centre A gave written statements which confirmed they had seen the message title and had only briefly seen the first page of the examination paper but not the rest of the images.

Out of the remaining 15 followers who had been sent the post, 12 could be identified from their profile names. The accused candidate stated he did not know the other 3 candidates' names. Eight of the followers were also at Centre B, were sitting the same paper early, had also been under supervision and did not have a phone in their possession at the time. The remaining four candidates at other centres were contacted and, fortunately, had either not taken a phone to school that day or not seen the post while they were in a revision lesson at the time. Social media monitoring over that paper's exposure period and afterwards did not find anything of concern.

A preliminary review of the case found it to be straightforward and the conduct of the candidate was seen to be uncontested.

The case was referred to another awarding organisation officer who decided to give the candidate a sanction of a loss of aggregation for the qualification. No application for appeal was made by the centre or candidate.

2.4 Unauthorised materials
Awarding organisation: Pearson
Qualification: Level 2 Business

The centre submitted a JCQ/M1 form to notify the awarding organisation of a suspected case of candidate malpractice in the delivery of a written exam.

The centre explained that at the end of the exam, having indicated that they were finished, a candidate removed a mobile phone from their pocket and began using it. The centre reported that the invigilator immediately confiscated the phone. The candidate's question paper remained closed throughout.

In addition to the JCQ/M1 form, the centre submitted an incident log detailing the above events, which the candidate and invigilator signed. The centre stated that the candidate was given the opportunity to submit a written statement but declined.

The centre explained that all candidates were informed of the rules in a school assembly and in class before exams were sat. JCQ warning posters and the information for candidates were displayed outside each exam room. Candidates were reminded before entering the room to make sure their phones were off and in their bags. The candidate in question answered 'yes' before the exam when asked if they had they done so.

The candidate was found to be in breach of JCQ regulations regarding possession of unauthorised material and the awarding organisation disqualified them from the unit. The candidate was, therefore, unable to certificate (achieve the qualification) in that series.

2.5 AI use in assessments
Awarding organisation: AQA
Qualification: A level History NEA

A centre reported that the teacher for A level History had concerns relating to two candidates' NEA submissions. The concerns were that multiple sections were inconsistent with other parts of the candidates' work and the candidates' usual level and style of writing.

The centre used AI detection software to follow up on the teacher's concerns. The centre's review identified the following.

Candidate A: The AI detection software identified the work as being highly likely to have been generated by AI. This candidate admitted using ChatGPT to generate a guideline for their own work and claimed that they had accidentally submitted the guideline instead of their own work.

Candidate B: The AI detection software identified the work as being potentially generated by AI and likely a combination of AI and human input. This candidate admitted using ChatGPT for some of the content of their work, for both the improvement of their own work as well as the creation of entirely new content.

The centre reported both candidates to the awarding organisation and provided confirmation that the candidates had been issued all relevant 'information for candidates' documents and that the candidates had signed the declaration of authenticity to declare that the work completed was their own.

Both candidates were found to have committed malpractice. Candidate A was disqualified from the A level History qualification and Candidate B received a loss of all marks gained for the A level History NEA component.

2.6 Plagiarism and misuse of AI tools in coursework
Awarding organisation: Cambridge OCR
Qualification: Cambridge Nationals Enterprise and Marketing

The moderator raised concerns of suspected plagiarism in a unit of the above qualification, due to a lack of referencing seen within candidates' work.

Through using Turnitin, two candidates were identified who may have potentially used AI tools, or Large Language Models (LLMs), to generate content for at least one Learning Objective. These included explanations of different business terms and financial analyses.

One candidate admitted to using ChatGPT in the later parts of their coursework, as they had not understood some of the questions and felt that assistance from their teacher was "too infrequent". They stated that their logic was that it was no different to asking a teacher for advice, as the AI tool would take information from across the internet and since they were asking specific questions, the 'reply' from the AI tool would be the same as getting teacher advice and feedback.

The other candidate admitted that they had used an AI tool to generate content for their work but couldn't remember which sections of work had been their own.

Although the cohort had been told about plagiarism and how to avoid it, there had been no specific mention of AI tools – despite AI misuse being a form of plagiarism.

Based on the evidence provided by the centre, it was determined that the two candidates would receive zero marks for the affected Learning Objectives.

2.7 Use of AI-generated content without acknowledgement
Awarding organisation: Pearson
Qualification: Extended Project P301

During a regular review of work for the purposes of identifying potential AI misuse, a candidate's Extended Project submission was identified by detection software as containing several unreferenced sections of AI-generated content. A further manual evaluation of the submission concluded that multiple sections of the work included extensive indicators associated with generative AI. Upon contacting the centre, the candidate declined to provide a statement explaining the concerns, and the case was referred to Pearson's Malpractice Committee for consideration.

Following a careful review of the available evidence, the Malpractice Committee found the candidate to be in breach of the JCQ *AI Use in Assessments* guidance, which defines as malpractice "copying or paraphrasing sections of AI-generated content so that the work submitted for assessment is no longer the student's own" and "failing to acknowledge use of AI tools when they have been used as a source of information".

The Malpractice Committee determined that, as the result of the malpractice, the candidate should be disqualified from the qualification.

2.8 Importance of secure word processor configuration in examinations
Awarding organisation: AQA
Qualification: GCSE Religious Studies

A candidate's word-processed exam script was escalated to the malpractice team by the examiner marking it because they had identified frequent American spellings and they felt the highly sophisticated language and concepts it contained were not consistent with GCSE level work.

The candidate's word-processed script was reviewed using AI detection software which returned a high probability score for the use of AI. The candidate was asked to provide a statement, in which they denied the use of AI.

After consideration of the evidence gathered, it was decided that the candidate had breached examination conditions and used AI for the production of answers in their examination. The candidate received a loss of all marks gained for a component. Post-results, it was also concluded by the centre that the candidate's marks and grades were not consistent with expectation or previous attainment. Following the outcome of this case and the disparity in performance flagged by the centre, all of the candidate's assessments were processed through AI detection software, which showed multiple components were affected. The outcome was that the candidate received a loss of all marks gained for the affected components.

The candidate's word processor had not been correctly set up. Internet access should have been disabled for the word processor, which would have prevented this malpractice from occurring. As part of the investigation, the awarding organisation sought to ensure that such incidents could not recur. The centre gave details of the steps that would be taken to prevent a recurrence of this issue, which included the retraining of invigilators on word processor set up.

JCQ CIC

JCQ/M1

Suspected candidate malpractice

Confidential

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

For guidance on how to complete this form please **see page 7** of this form.

Awarding organisation

Date of incident	**Time (AM/PM session)**

Centre number

Centre name and address

Head of centre's email address	**Head of centre's telephone number**

Candidate number(s)	**Candidate name(s)**

Examination/assessment details

Qualification or specification code	Qualification or specification title
Component/unit code/batch number	**Component/unit title**

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

Name	Role

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

Section A (All qualifications)

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

Section B (Vocational qualifications only)

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

Section C (All general qualifications and other qualifications if applicable)

Examinations

Was the *Warning to Candidates* displayed outside the examination room? (either by means of a projector or in hard copy paper format)	YES	☐
	NO	☐
Had the candidate(s) been issued with a copy of the *Information for candidates*? (either electronically or a paper version)	YES	☐
	NO	☐
Were candidates reminded of examination regulations at the beginning of this particular examination?	YES	☐
	NO	☐

Coursework/non-examination assessment

Had the candidate(s) been issued with a declaration of authentication?	YES	☐
	NO	☐
Had the candidate(s) signed the declaration of authentication stating that all work completed was the candidate's own?	YES	☐
	NO	☐
Was the Information for candidates – AI (Artificial Intelligence and assessments) issued to the candidate(s) prior to signing the declaration of authentication?	YES	☐
	NO	☐

Section D (All qualifications)

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

YES	☐
NO	☐

If the answer to the above question is yes and you wish to request special consideration for other candidates, please submit an application for special consideration in the normal way.

If the incident involves the introduction of unauthorised material, is a copy/image of the unauthorised material enclosed?

YES	☐
NO	☐

If the answer to the above question is no, please give a detailed description of the unauthorised material and an explanation of why a copy/image has not been provided.

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

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

Supporting information

Please indicate below which supporting information is being submitted with this report. All **relevant** information and materials should normally be submitted at the same time as the form. Where more relevant information is expected to be provided, please indicate what information will be provided and when.

Please ensure that all supporting documents are scanned and attached (preferably as PDF documents) to the same email.

Information submitted with this form	
Statement(s) from invigilator(s)	☐
Statement from teacher/tutor/head of subject/assessor/internal verifier	☐
Statement from examinations officer	☐
Statement(s) from candidate(s)	☐
Statement from employer	☐
Seating plan of examination room	☐
Unauthorised material removed from the candidate(s)	☐
Copies of sources of plagiarised material	☐
Assessment and Internal Verification or Moderation records	☐
Other (please give details)	☐

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

Report of suspected candidate malpractice

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

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

Reference is made to the requirements detailed in the JCQ document:
Suspected Malpractice in Examinations and Assessments: Policies and Procedures
http://www.jcq.org.uk/exams-office/malpractice

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

		Yes	No
1.	The candidate(s) has/have been informed of their individual responsibilities and rights **(section 5.35)**.	☐	☐
2.	A candidate or candidates accused of malpractice:		
	• has/have been informed (preferably in writing) of the allegation made against them;	☐	☐
	• has/have been advised that a copy of the JCQ document Suspected Malpractice in Examinations and Assessments: Policies and Procedures can be found on the JCQ website;	☐	☐
	• has/have been made aware of all evidence that has been obtained which supports the allegation (either verbally or in writing);	☐	☐
	• has/have been made aware that knowingly providing misleading or inaccurate information constitutes malpractice;	☐	☐
	• know(s) the possible consequences should malpractice be proven (as set out in Appendix 6);	☐	☐
	• has/have had the opportunity to consider their response to the allegations (if required);	☐	☐
	• has/have had an opportunity to submit a written statement;	☐	☐
	• has/have been provided with a complete set of case documentation (i.e. statements, seating plans, M1 form, etc);	☐	☐
	• has/have had the opportunity to read and make a statement in response to the case documentation;	☐	☐
	• has/have had an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);	☐	☐
	• has/have been informed of the applicable appeals procedure should a decision be made against them;	☐	☐
	• has/have been informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.	☐	☐

Please provide further details if it has been necessary to tick No in the checklist:

To be completed by the head of centre

Name (please print)		**Tel no.**	
Signature*		**Date**	

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

NOTES ON THE COMPLETION OF FORM JCQ/M1

This form **must** be used by the head of the centre to notify the appropriate awarding organisation of an instance of suspected candidate malpractice in the conduct of examinations or assessments. It can also be used to provide a report on investigations into instances of suspected malpractice.

In order to prevent the issue of erroneous results and certificates, it is essential that the awarding organisation concerned is notified immediately of instances of suspected candidate malpractice.

Full details of the procedures which **must** be followed when investigating cases of suspected malpractice can be found in the JCQ document: *Suspected Malpractice in Examinations and Assessments: Policies and Procedures*: http://www.jcq.org.uk/exams-office/malpractice

Reports on investigations from centres **must** include:

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

This form is intended to be used as the basis for the report.

This form and supporting information should be submitted by email.

All supporting documents should be scanned and attached (preferably as PDF documents) to the same email and the originals retained within the centre.

The awarding organisation concerned will acknowledge receipt of this form.

The form and supporting documentation must be sent to:

AQA
irregularities@aqa.org.uk

Cambridge OCR
compliance@ocr.org.uk

CCEA
malpractice@ccea.org.uk

City & Guilds
investigationandcompliance@cityandguilds.com

NCFE
providerassurance@ncfe.org.uk

Pearson
candidatemalpractice@pearson.com

WJEC
malpractice@wjec.co.uk

JCQ CIC

JCQ/M2

Notification of suspected malpractice/maladministration involving centre staff

Confidential
This form is to be used by a head of centre **before** an investigation commences to notify an awarding organisation of an instance of alleged, suspected or actual malpractice or maladministration. **It must be completed and submitted to the appropriate awarding organisation immediately a suspicion is raised or an allegation received.**

Awarding organisation

Centre number

Centre name and address

Head of centre's email address	Head of centre's telephone number

Name of head of centre

Name(s) of centre staff involved	Position

Date incident was reported to centre management

Details of examinations/assessments involved

Qualification, unit or specification code	Qualification, unit or specification title

Date and time of incident

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

Could the candidates have been unfairly advantaged or disadvantaged by the suspected malpractice/maladministration? If so, please give details.

Describe the steps the centre management propose to take to gather information relating to this matter.

Individual proposed to gather information

Name:	
Role within centre/organisation:	
Reason why suitable to gather information (e.g. experienced senior leader):	

Have you and the individual proposed to gather information read the JCQ guidance on conflicts of interest and personal interest within the JCQ *Suspected Malpractice – Policies and Procedures* document, paragraphs 4.1.3, 5.8-5.10 and Appendix 3	YES ☐	NO ☐
Does the individual proposed to gather information have any known conflicts of interest or personal interest in the outcome of the investigation?	YES ☐	NO ☐

Name and position (please print)	
Signed:	
Date:	

The form and supporting documentation must be sent to:

AQA
irregularities@aqa.org.uk

Cambridge OCR
compliance@ocr.org.uk

CCEA
malpractice@ccea.org.uk

City & Guilds
investigationandcompliance@cityandguilds.com

NCFE
providerassurance@ncfe.org.uk

Pearson
pqsmalpractice@pearson.com

WJEC
malpractice@wjec.co.uk

JCQ CIC

JCQ/M3

Report into suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by a head of centre following the gathering of information related to an investigation into an instance of suspected malpractice or maladministration. It **must** be completed and submitted to the appropriate awarding organisation together with supporting statements and documentation.

If the gathering of information has not yet commenced, please use **Form JCQ/M2** Notification of suspected malpractice/maladministration which can be found in Appendix 9 of this document and on the JCQ website: http://www.jcq.org.uk/exams-office/malpractice

Awarding organisation

Centre Number

Centre Name and address

Head of centre's email address	**Head of centre's telephone number**

Name of head of centre

Name(s) of centre staff involved **Position**

Details of examinations/assessments involved

Qualification, unit or specification code	Qualification, unit or specification title

Date and time of incident

Individual(s) who gathered information

Name:		
Role within centre/organisation:		
Reason why suitable to gather information (e.g. experienced senior leader):		
Please confirm, prior to gathering information, that you have read the JCQ guidance on conflicts of interest and personal interest within the JCQ document Suspected Malpractice – Policies and Procedures, paragraphs 4.1.3, 5.7-5.8 and Appendix 3.	YES ☐	NO ☐
Did you have any known conflicts of interest or personal interest in the outcome of the investigation?	YES ☐	NO ☐

Did any external people (e.g. local authority personnel, union officers) assist in the gathering of information? If so, please give details:

Name **Position**

Give details of the actions you have taken and the information you have gathered

Where malpractice (including maladministration) has been identified, please use the box below to provide:

- **details of the actions your centre proposes to take to mitigate the impact on candidates; and**
- **details of the actions your centre proposes to take to prevent a recurrence of similar incidents in future**

Name and position (please print)	
Signed:	
Date:	

Report into suspected malpractice/maladministration involving centre staff

This checklist is intended to assist centres when gathering information for an investigation into suspected malpractice or maladministration involving centre staff. Once completed, it **must** be submitted to the awarding organisation together with the supporting statements and documentation. **It is the responsibility of the head of centre to ensure that these requirements have been met. A separate checklist is required for each member of staff implicated in the allegation.** Reference is made to the requirements detailed in the JCQ document:

Suspected Malpractice: Policies and Procedures

Name of implicated centre staff member:_____

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

		Yes	No
1.	The accused member of staff has been informed of their individual responsibilities and rights **(paragraph 4.1.3 and 5.33)**.	☐	☐
2.	The member of staff accused of malpractice should:		
	• be informed (preferably in writing) of the allegation made against them (**include a copy of any letter/notification in the submission**);	☐	☐
	• be provided with a copy of the JCQ document *Suspected Malpractice: Policies and Procedures*;	☐	☐
	• know what evidence there is to support the allegation (**provide full details in the submission to the awarding organisation**);	☐	☐
	• be made aware that providing knowingly misleading or inaccurate information constitutes malpractice;	☐	☐
	• know the possible consequences should malpractice be proven;	☐	☐
	• have the opportunity to consider their response to the allegations (**provide a verified record of any interviews conducted**);	☐	☐
	• have an opportunity to submit a written statement (**provide a copy of all statements**);	☐	☐
	• be informed that he/she will have the opportunity to read and make a statement in response to the submission to the awarding organisation's Malpractice Committee;	☐	☐
	• have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);	☐	☐
	• be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding organisations, the regulators and other appropriate authorities.	☐	☐

This form must be enclosed with the report and any other relevant evidence.

The form and supporting documentation must be sent to:

AQA
irregularities@aqa.org.uk

Cambridge OCR
compliance@ocr.org.uk

CCEA
malpractice@ccea.org.uk

City & Guilds
investigationandcompliance@cityandguilds.com

NCFE
providerassurance@ncfe.org.uk

Pearson
pqsmalpractice@pearson.com

WJEC
malpractice@wjec.co.uk

Appendix 11 Guidance on Supporting the Safeguarding and Wellbeing of Centre Staff and Candidates During a Suspected Malpractice Case

Introduction

1 This guidance has been developed for individuals involved in investigating suspected malpractice, such as those responsible for delegated information gathering outlined in paragraphs 5.11 to 5.16 of this document. It aims to ensure that during any investigation into suspected malpractice, effective safeguarding and wellbeing strategies are employed and appropriate actions are taken to protect the physical and emotional wellbeing of all concerned.

In line with paragraph 5.2 of this document, an allegation of malpractice is unproven until the relevant information has been gathered and considered. No inference regarding guilt should be made simply because the person under investigation is subject to an allegation.

Throughout any investigation involving a child or young person, their welfare is paramount. If the individual concerned is an adult, their wellbeing must be considered at each and every stage in line with good practice guidelines. It is essential that you are aware of what constitutes safeguarding and wellbeing good practice, that this is applied consistently throughout the investigation process and that appropriate actions are taken if concerns arise.

Details of any relevant concerns should be shared, as appropriate, with the awarding organisation and/or as part of the referral.

2 Embedding Safeguarding in Investigations

Centres should be mindful that individuals involved in an investigation into alleged malpractice and/or maladministration may experience detrimental impacts to their wellbeing, especially where individuals are already known to centres as having health conditions. Centres should report to awarding organisations any circumstances or sensitivities that may affect an individual's wellbeing, to ensure that these are appropriately considered.

Centres should consider the appropriate support which can be given to individuals at the following 'trigger points' as key stages during investigations where individuals' wellbeing may be more at risk:

Investigation Activity	Considerations*
Informing individual(s) of allegations for the first time	**Timing** – has a significant life event occurred recently? **Vulnerability** – Is an individual known to self-harm or participate in risk-taking behaviours? **Disability** – Does an individual have capacity to understand and participate in investigation processes?
Evidence gathering stage including interview(s)	**Fear of authority** – Perceptions of investigators or senior centre staff can cause anxiety to some individuals, especially during formal meetings **Power dynamics** – Vulnerable individuals may seek to give answers that they believe investigators want to hear rather than what is true and honest **Vulnerability and disability** – Does the interviewee require an advocate or appointed person to support them? **Trauma informed** - Individuals may have experienced abuse, trauma, coercion or exploitation which may limit or affect their ability to respond due to anxiety, avoidance or emotional dysregulation
Releasing evidence/data to candidates or centre staff	**Source** – Even anonymous sources may be identifiable through the evidence and context in which it was obtained. Is a source a potential victim of retribution or retaliation? **Assumption of guilt** – When individuals are questioned or presented with evidence, they may be overwhelmed by a likelihood of their being found guilty
Informing individual(s) of investigation outcomes	**No sanction** – Individuals may feel victimised, unfairly treated or judged if an investigation fails to establish malpractice or maladministration **Vulnerability** – Might the individual value the outcome as so significant that they may self-harm or experience suicidal thoughts/ideation? **Disability** – Does an individual have capacity to understand the outcome?

*Awarding organisations will be able to consider appropriate adjustments where a centre raises individual concerns, such as adapted correspondence or the provision of a nominated adult to support processes.

Safeguarding sensitivities in investigations

Communications relating to investigations may involve a diverse audience. Awarding organisations will regularly review any information that will be delivered to individuals to ensure it is accessible:

All individuals:

It is the primary objective of awarding organisations to communicate in the simplest language that all individuals are presumed innocent when an allegation is made against them.

Age sensitivities:

For young people, terms such as 'malpractice', 'maladministration' and 'sanctions' may be meaningless, while for others they could be very impactful.

Bespoke support:

Generic support can be offered to individuals, such as an advocate or appointed person to support through investigation processes, where required. Support should be explored on a case-by-case basis for the individual's circumstances and based on any health conditions they might have (for example, counselling, disability support, social care).

English as an Additional Language (EAL):

Consideration will be made as to whether language barriers may affect understanding and whether translated materials, interpreters or further simplified communications are required.

Centres should also take the points outlined above into consideration when they are communicating with individuals involved in suspected malpractice investigations. The below phrases are suggested alternatives to improve accessibility/readability of complex investigations terminology:

'Malpractice' **'Allegation of Malpractice'**	"Broken the rules of the exams" "Someone has said that you may have done something wrong during your exam/in your coursework"
'Maladministration' **'Allegation of Maladministration'**	"Not carried out a task related to the set up or sitting of the exam properly" "It has been suggested that something may have gone wrong with the delivery of the exams"
'Sanctions'	"There may be penalties" "Consequences could include..."
'Presumed innocent'	"At this stage, we do not know if you have done anything wrong so there is no blame. We must ask these questions/look at your work to find out what may or may not have happened"
'Vexatious or Malicious'	"Reported something to get you in trouble for something that you did not do/may not have done"

List of Support Agencies

The below is a non-exhaustive list of national agencies that can support individuals through investigation processes. There are more local resources available that can be explored on a case-by-case basis.

Support requirement	Agency or organisation
Victim of a crime (including harassment through vexatious or malicious reporting)	Local policing team
Victim of abuse by a professional	Local Authority Designated Officer (of the area where the professional lives)
Victim of abuse	Children's Social Care Adult Social Care Local policing team NSPCC
Bereavement	Daisy's Dream (children) Cruse (adults) MIND (general)
Radicalisation	Local PREVENT team
Honour-based abuse/violence	Karma Nirvana
Care-experienced (Children Looked After) Care Leaver	National Youth Advocacy Services (NYAS) Social worker Leaving Care PA
Learning disability/difficulty*	Mencap Social worker Education Health Care (EHC) team Adult social care worker (18+)
Mental health*	Kooth NHS YoungMinds CAMHS (children/adolescent mental health services Talking Therapies (17+)
Substance misuse	NHS MIND Local rehabilitation agencies
Forced Marriage	Forced Marriage Unit (FMU)
Domestic abuse/violence	Refuge Women's Aid Salvation Army

*Some individuals may already be under the care of a specialist team such as the Community Mental Health Team or an NHS care facility.

Considerations at each stage of an investigation
Informing the individual of suspected malpractice

When an allegation of malpractice is made against an individual, the head of centre or information gatherer should:

- Inform the individual of their rights in respect of the investigation (in accordance with paragraph 5.35 of this document) at the earliest opportunity and assure them of the confidential nature of the investigation (excluding appropriate disclosures to the awarding organisation, other relevant

authorities and any disclosures which might need to be made of a safeguarding nature – for example, disclosures of coercion, exploitation, abuse or neglect at home or involvement in criminal activity).

- Foster an environment where the individual(s) feel safe and comfortable.
- Conduct the meeting in a private, neutral space and permit the interviewee to bring an appropriate adult (or advisor, in the case of a member of centre staff or adult candidate) with them for support (in accordance with paragraph 5.28 of this document).
- Ensure that if the individual has communication needs or is at risk, that they have an appropriate adult present.
- Use language or questioning that is plain and open; not accusatory, blaming or judgmental.

All investigations should be carried out with empathy and care, encouraging individuals to be open and honest in their communication whilst making every attempt to combat power dynamics between an authority figure and the interviewed individual.

The information gatherer should be able to recognise and respond to signs of distress or safeguarding concerns and ensure appropriate pastoral care is available to individuals throughout the process. They should refer individuals to specialist support services if required, including safeguarding staff in the centre, professional services such as counselling services and/or trade union representation.

Any support offered or signposted should be as specific to the needs of the individual as possible, including considerations around age, cultural background, faith or belief and any specific vulnerabilities, disabilities or medical requirements.

If an individual is unfit to attend (for example due to illness), the information gatherer should offer to delay the information gathering process until the individual feels fit to co-operate with the investigation. In general, if the individual feels well enough to return to the centre, then a statement or interview may be requested, ensuring any specific needs or requirements are taken into consideration.

3 Requesting a Statement

When requesting a statement, the above guidance should also apply. However, it must be made clear to the individual accused of malpractice, and anyone supporting the individual, that the statement must be written in their own words.

It is best practice to provide time and space for them to write their statement while under some degree of supervision, particularly if the individual is a child or young person. The space provided to write the statement should feel private and neutral, and there should be sufficient time allowed for them to provide all the information they wish to share in their statement.

In all interactions with individuals, reasonable adjustments should be made for those whose disabilities mean they experience substantial disadvantage. In particular, consideration must be given to how best to obtain statements from individuals who receive access arrangements, although adjustments should not affect the evidence itself. Often the process should follow an individual's normal way of working as much as possible. For example, individuals who need to use word processors when writing should normally be given a word processor to complete their statement.

Statements can be written on behalf of individuals by an impartial scribe where they are unable to do so through injury or impairment (although if an example of an individual's handwriting is relevant to the investigation, then that may still be sought). The statements must be signed by both parties, confirming that the statement is a true and honest reflection of the events, written in their own words.

4 Preparing for Interview

If it has been decided that the most appropriate way to gather information regarding the alleged malpractice is through interview, it is vital that all parties are prepared. The interviewee must be allowed preparation time to explain their behaviour and/or actions. Interviewers must be prepared to conduct the interview with integrity, transparency and empathy whilst maintaining the dignity of all parties.

All interviewers should be familiar with the appropriate methodology for carrying out investigatory interviews, including of those who are vulnerable and/or have additional needs.

When the interviewer is preparing to conduct an interview, the following steps should be taken:

- The interviewer should plan the interview by determining the roles of interviewers (e.g. lead interviewer, note-taker).
- The information and evidence relating to alleged malpractice must be reviewed and should be used to create a list of potential questions, along with any advice, guidance or key lines of enquiry provided by the awarding organisation. Questions should be designed around the interviewee and be non-leading. The funnel method is often used, where the interview starts with open-ended questions, leading to more probing questions to facilitate information gathering. Towards the end of the interview, closed questions are used to close lines of enquiry where absolute confirmation of key points is required.
- The interviewer should ask about and be informed of any known vulnerabilities of the interviewee at the earliest opportunity (e.g., medical conditions, mental health conditions, learning difficulties).
- The interviewer should be informed if appropriate adjustments have been considered and applied e.g., additional breaks, simplified language, visual aids (e.g., evidence of offensive language in script etc).
- The interviewer should ensure the interview complies with all the relevant policies and legal frameworks, which would include both centre policies (e.g. conducting an interview with a candidate) and statutory procedures.
- The interviewer should ensure there is an appropriate person available to provide support, if required (e.g., a union representative, legal advisor or advocate) and they meet the required criteria, in accordance withparagraphs 5.28-5.30 of this document.
- The location of the interview should be a quiet, neutral space, normally within the centre.

5 Conducting the Interview

When opening the interview, the lead interviewer should introduce all participants and their roles. They should explain the purpose of the interview, the process and any evidence being considered. They should also inform the interviewee of their rights (e.g., paragraph 5.35 of this document, representation, taking breaks etc) and then ask if the interviewee has any concerns or requires additional support.

Once the interviewee is aware of their rights and has support or an advocate (if required), the interview should take place with the following considerations:

- Any inconsistencies that require probing or exploration should be clarified sensitively to ensure that questions do not sound accusatory or imply that the interviewee is lying.
- Paraphrasing the answers given by the interviewee can assist in simplifying complex answers containing a high quantity of information.
- The interviewer must give the interviewee time to think and respond without interruption and at their own pace. Questions should be repeated or rephrased if they are unclear.
- Neurodivergent interviewees can display unexpected behaviours that are, for them, a normal part of communicating. This could include the interviewee stuttering, avoiding eye contact, excessively fidgeting or exhibiting tics (verbal or physical). It is important that these behaviours are not interpreted or judged as demonstrating an interviewee's integrity with their answers.
- Where interviewees demonstrate signs that they are not coping with the interview, a break or adjustment should be offered. Examples include but are not limited to:
    - Increasing inability to understand questions or answer coherently.
    - Physical or verbal tics increasing to an extent where the interviewee's welfare is compromised.
    - Emotional dysregulation, such as aggression, crying, excessive anxiety or mania which impedes the interviewee's ability to engage with questioning.
- By the end of the interview, the individual should have been presented with, and made aware of, the evidence gathered that suggests their involvement in the alleged malpractice.
- In situations where interviewees become distressed by a particular question, especially where the answer provided would confirm/has confirmed malpractice on the part of the interviewee, interviewers should use discretion regarding whether a brief pause or break would assist the interviewee without undermining the credibility of the answer.

When closing the interview, the interviewer should summarise key points and responses. They should give the interviewee an opportunity to provide additional information and explain the next steps and expected timeline for outcomes. They should also ask them if they have any questions or is there anything they do not understand about the process.

At the end, the interviewer should thank the interviewee for their co-operation and reassure them of the limits of confidentiality.

The post-interview process should be followed as outlined in the relevant awarding organisation's process.

6 Informing the individual of the outcome of an investigation

It is normal practice for the head of centre to inform the individual of the outcome of any malpractice investigation.

This should be imparted at an appropriate time of the day and in a private neutral space for the individual. Any support provision previously requested should be in place e.g. colleague, parent/carer or union representative, if appropriate, and other specific signposted support as outlined above. This is particularly important if the individual has been found to have committed malpractice.

Support should also be offered if there are follow up actions emerging from the sanctions imposed, for example, additional training or supervision.

7 Conclusion

It is the responsibility of all involved in the processing and collecting of information to ensure that before, during and after any suspected malpractice investigation, effective safeguarding and wellbeing strategies are employed and appropriate actions are taken to protect the physical and emotional wellbeing of all concerned.

By following this guidance, information gatherers have ensured that:

- Interviewees understand their rights regarding the interview process.
- The interview process is accessible to anyone regardless of a physical, emotional or environmental barrier.
- Interviewees feel respected, heard and given a fair opportunity to explain their actions, behaviours and motivations.
- The interview did not cause undue stress. Any occasion where the interviewee required adjustments were anticipated and catered for.
- All parties have been kept safe and supported. Any disclosure made regarding a risk of harm to any individual is managed in line with the centre and interviewing organisations' safeguarding policies.
- All information (excluding appropriate disclosures such as safeguarding concerns) regarding the interview is kept secure and treated with high levels of confidentiality.

Appendix 12 Joint Awarding Organisation Cases

If one awarding organisation has cause to believe that suspected malpractice affects another, it will share relevant case information with the potentially affected organisation (see section 11).

In cases where one or more awarding organisations receive the same, or very similar, allegations of malpractice in relation to the same individual/centre, or where information indicates the suspected malpractice may affect more than one awarding organisation, the awarding organisations affected by the malpractice are likely to conduct a joint malpractice investigation. (see section 4). An awarding organisation would be considered as 'affected' if the integrity of that awarding organisation's qualifications and assessments may have been impacted by the alleged malpractice.

Examples of malpractice cases that would normally be a joint investigation include but are not limited to:

- Where a centre has breached the result embargo, all awarding organisations whose results had been breached would be part of the joint investigation.
- Where there were concerns that a centre had failed to appropriately manage access arrangements, all awarding organisations whose assessments could be impacted would be part of the joint investigation.
- Where there are concerns regarding a centre's management of question papers and there are risks to the confidentiality of a number of awarding organisations' assessments.
- Where allegations of malpractice are received relating to a centre's delivery of more than one awarding organisation's qualifications.

The above is not an exhaustive list of examples. Awarding organisations should consider the appropriateness of a joint investigation based on the circumstances of a particular case.

In joint malpractice cases, one awarding organisation will act as the 'lead' awarding organisation for the investigation. Conducting a single, joint investigation minimises the impact on the individuals and centres involved and ensures all parties are treated in the same manner.

Centres will be informed if a joint investigation is being conducted and, if so, which awarding organisation is leading the case and which awarding organisations they are leading the case on behalf of.

The lead awarding organisation will be responsible for:

- managing the investigation;
- communicating with affected parties;
- sharing information and evidence from the investigation with the awarding organisations involved;
- co-ordinating a joint decision on the case.

Awarding organisations which are involved in an investigation, but are not leading, are required to support the investigation, including but not limited to sharing all relevant information, responding to requests for information, contributing to case discussions and joint decisions.

In some cases, joint investigations may require investigators from each affected awarding organisation being involved in some or all the steps of the investigation, e.g. conducting a joint centre visit to gather evidence.

Data sharing

Where a joint investigation is to be conducted, awarding organisations will be responsible for ensuring that any sharing of data between awarding organsiations is carried out in line with their statutory obligations under data protection legislation (primarily the Data Protection Act 2018 and UK GDPR).

Communications

The centre and individuals involved in an investigation will have their main point of contact at the lead awarding organisation. Queries and concerns about an investigation should be directed to the lead awarding organisation.

Decision making

Once sufficient evidence has been obtained to determine the outcome of a joint investigation, the affected awarding organisations will jointly agree the outcome of the case.

The outcome may be determined under a summary procedure, where appropriate. If so, the procedure will conform to paragraphs 6.1-6.6 above. If a finding of malpractice is made and/or a sanction is imposed, individuals will have the right to contest a decision made under a summary procedure. Where the outcome is contested, a Malpractice Committee will be convened.

Cases may be referred to a Malpractice Committee either as a result of a summary procedure outcome being contested or once the evidence-gathering stage of an investigation has concluded. When this happens, a Malpractice Committee will be formed from representatives of each affected awarding organisation. The Committee will act in accordance with paragraphs 6.7 to 6.22 of this document.

If different information or evidence applies in relation to the suspected malpractice for qualifications from different awarding organisations, then different outcomes for the case may apply for each awarding organisation.

Appeals

If a joint awarding organisation Malpractice Committee makes a finding of malpractice and/or a sanction is imposed, individuals (centre, centre staff or private candidates) will have the right to appeal.

The lead awarding organisation will normally be responsible for managing the appeal process in accordance with the JCQ Guide to the awarding organisations appeals processes: ***Appeals.***

If the appeal proceeds to an Appeal Hearing, an Appeal Panel will be convened which includes representatives of each affected awarding organisation.

Appendix 13 Contacts

AQA
malpractice@aqa.org.uk

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compliance@ocr.org.uk

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malpractice@ccea.org.uk

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