# MALPRACTICE POLICY

**Status:** Statutory

**Member of Staff Responsible:** Exams Officer, Exams Office Line Manager (Senior Leader), Principal (HOC)

**Related Policies:**

**Implementation date:**

**Reviewed date:** September 2026

**Next review date:** September 2027

## Introduction

### What is malpractice and maladministration?

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

- a breach of the Regulations
- a breach of awarding body requirements regarding how a qualification should be delivered
- a failure to follow established procedures in relation to a qualification which
- a failure to take action as required by an awarding body including providing knowingly inaccurate or misleading information during the course of an investigation
- gives rise to prejudice to candidates
- compromises public confidence in qualifications
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre (SMPP 1)

### Candidate malpractice

'Candidate malpractice' 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 writing of any examination paper. (SMPP 2)

### Centre staff malpractice

'Centre staff malpractice' means malpractice committed by

- a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or
- an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe (SMPP 2)

### 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 bodies at their discretion.

**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 SMPP, section 1.9). (SMPP 2)

**Purpose of the policy**

To confirm UTC Derby Pride Park:

- has in place for inspection that must be reviewed and updated annually, a written malpractice policy which covers all qualifications delivered by the centre with reference to the JCQ document *Suspected Malpractice Policies and Procedures*

The policy **must** detail how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body. It **must** also acknowledge the use of AI (e.g. what AI is, when it may be used and how it should be acknowledged, the risks of using AI, what AI misuse is and how this will be treated as malpractice). (GR 5.3)

**General principles**

In accordance with the regulations UTC Derby will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation (GR 5.11)
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected Malpractice - Policies and Procedures** and provide such information and advice as the awarding body may reasonably require (GR 5.11)

**Preventing malpractice**

UTC Derby has in place:

Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication **Suspected Malpractice: Policies and Procedures (SMPP 4.3)**

This includes ensuring that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance:

This includes ensuring that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following current JCQ documents and any further awarding body guidance:

- 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
- Plagiarism in Assessments
- AI Use in Assessments: Your role in protecting the integrity of qualifications
- Post Results Services
- A guide to the awarding organisations' appeals processes

**Informing and advising candidates**

Candidates are issued with Information for Candidates prior to each exam season explaining the rules and regulations and are also told verbally about the implications of not following them.

Posters are displayed appropriately outside the exam rooms.

Assemblies take place explaining the rules and regulations before the exam season begins.

At least one internal mock exam session are carried out under JCQ rules and regulations to make the students aware before the external series.

**AI use in assessments (and preventing AI misuse)**

All staff are made aware of centre procedures relating to the authentication of learner work. AI posters for staff and students are shared with faculties that are heavily coursework based, and this information is shared with students about the seriousness of this malpractice.

AI posters are displayed in student work areas where coursework completion is prominent.

**Prior** to beginning their work, candidates are issued with the JCQ **Information for candidates** documents: **AI (Artificial Intelligence and assessments)**, (as applicable to any of their qualifications) **Coursework assessments**, **Non-examination assessments** and **Social media** (GR 5.8)

Relevant subject staff ensure that all candidates have read the **Notice to candidates** within the relevant awarding body's **Candidate declaration form** (Authentication form) prior to beginning their work.

Candidates will not sign the declaration until they have completed their work and handed it in for final assessment.

**Identification and reporting of malpractice**

All staff at UTC Derby Pride Park have a responsibility for reporting any potential malpractice that they may identify.

**Escalating suspected malpractice issues**

- Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels (SMPP 4.3)
- Any suspected malpractice should be reported directly to the Head of Centre. If the Head of Centre is suspected of malpractice this should be reported directly to the Executive Principal.
- The Head of Centre needs to make clear that those reporting malpractice who wish to remain anonymous should be aware that awarding bodies may need to disclose their details to others.

This could include:

- in response to subject access requests made under data protection legislation;
- where we are required to share information with regulatory bodies (such as Ofqual, the SIA and the TRA); or
- when we 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 body will need to disclose 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.

**Reporting suspected malpractice to the awarding body**

- The head of centre will notify the appropriate awarding body immediately of all* alleged, suspected or actual incidents of malpractice (staff, centre and candidate) using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.1)

(*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 and the authentication forms have not been signed by the candidate

- Where the offence relates to the content of candidate work (e.g.copying/collusion, plagiarism and/or AI misuse – see section 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) these do not need to be reported to the awarding body. All other candidate malpractice cases must be reported to the relevant awarding body including where 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)
- The head of centre will ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation (SMPP 4.1.3)
- The HOC will 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

- Form JCQ/M1 will be used to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body, **before** an investigation commences, of an incident of suspected staff malpractice/maladministration (SMPP 4.4, 4.6)
- 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 will 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. (SMPP 4.5)
- 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) will be informed of all the required information and informed of their rights and responsibilities as the accused individual, prior to the submission of the report to the awarding organisation (SMPP 5.35-36, 40)
- 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 there are concerns about revealing the identity of a third party mentioned in the documentation), this will 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 will 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 will be provided to the awarding organisation. (SMPP 5.36)
- Once the information gathering has concluded, the head of centre (or other appointed information gatherer) will 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 (SMPP 5.37)
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.37)
- The awarding body will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly (SMPP 5.42)

**Communicating malpractice decisions**

Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible. The head of centre will communicate the decision to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The head of centre will also inform the individuals if they have the right to appeal. (SMPP 11.1)

**Appeals against decisions made in cases of malpractice**

UTC Derby will:

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