



FE - ASSESSMENT MALPRACTICE AND MALADMINISTRATION POLICY

This policy is available on-line at: www.tynecoast.ac.uk

- We will consider any request for this policy to be made available in an alternative format or language. Please note that the College may charge for this. Please contact Student Services
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. We welcome suggestions for improving the accessibility or fairness of this policy.
- All our policies are subject to equality impact assessments*. We are always keen to hear from anyone who wishes to contribute to these impact assessments. Please contact Student Services

*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Approved by:	Version:	Issue Date:	Review Date:	Contact Person:
SEG, Board	v.1	September 2021	September 2024	Assistant Principal - Quality

Equal Opportunities: Impact Assessed

POLICY NUMBER 106

FE - ASSESSMENT MALPRACTICE AND MALADMINISTRATION POLICY

1. Policy Statement

Incidents of malpractice/maladministration can potentially lead to students being disadvantaged, can require the conduct of costly and time-consuming investigations and may cause reputational damage to the College. It is therefore desirable to prevent malpractice or maladministration from occurring whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice/maladministration should be dealt with quickly, thoroughly and effectively.

2. Scope

This policy and procedure relate to malpractice/maladministration by college staff and students. It applies to all internal assessments, and all internal and external examinations. Where awarding bodies have their own published procedures, these will take precedence over the College policy and procedures.

3. Legislation

The Human Rights Act 1998 applies to the operation of this policy.

4. Responsibilities

All staff have a responsibility to give full and active support for the policy by ensuring:

- 4.1 The policy is known, understood and implemented.

5. Actions to Implement and Develop Policy

- 5.1 Recruiting managers should, at the appropriate time, introduce all new members of staff to this policy.
- 5.2 Course teams should use robust internal moderation/verification procedures as detailed in the Internal Verification Policy and Procedures
- 5.3 Course teams should use the student induction period, and other appropriate times, to introduce learners to this policy.

6. Definitions and Examples

Malpractice: any deliberate actions, neglect, default or other practice that is in breach of Tyne Coast College and/or awarding body regulations, including any act, default or practice that:

- 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 body we work with, of Tyne Coast College itself, or any officer, employee or agent of any awarding body and/or Tyne Coast College.

Maladministration: any actions, neglect, default or other practice including non-compliance with regulations, that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of any awarding body or Tyne Coast College.

6.1 College Staff Malpractice/Maladministration:

This includes malpractice or maladministration committed by a member of staff, contractor, volunteer or an individual appointed by Tyne Coast College in another capacity, such as an invigilator, a reader or scribe.

The following are examples of malpractice or maladministration by staff; this list is not exhaustive and other examples of malpractice or maladministration may be considered by the College at its discretion.

- 6.1.1 Breach of security – any act which breaks the confidentiality of question papers or exam materials or their electronic equivalents. This could include but is not limited to:
- failing to keep examination materials secure prior to an examination
 - discussing or revealing information about examinations or assessments that should be kept confidential
 - moving the time or date of fixed examinations beyond the arrangements permitted
 - failing to keep computer files secure that contain candidates' controlled assessments, coursework or non-examination assessments.
- 6.1.2 Deception – any act of dishonesty in relation to an examination or assessment. This could include but is not limited to:
- inventing or changing marks for internally assessed work where there is no actual evidence of the candidates' achievement to justify the marks awarded

- manufacturing of evidence of competence against national standards
 - fabricating assessment and/or internal verification records or authentication statements
 - substituting one candidate's controlled assessment, coursework or non-examination assessment for another's
 - providing misleading or inaccurate information to an awarding body, candidates and/or parents.
- 6.1.3 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 that results in a potential or actual unfair advantage in an examination or assessment. This could include but is not limited to:
- assisting candidates in the production of controlled assessment, coursework, non-examination assessment or portfolios beyond that permitted by the regulations
 - sharing or lending candidates' controlled assessment, coursework, non-examination assessment with other candidates in a way which allows malpractice to take place
 - assisting or prompting candidates in the production of answers
 - permitting candidates in an examination to access prohibited materials, such as dictionaries or calculators
- 6.1.4 Failure to co-operate with an investigation including:
- failure to make available information reasonably requested by an awarding body 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 bodies instruction or advice; and/or
 - failure to investigate or provide information according to agreed deadlines
 - failure to immediately report all alleged, suspected or actual incidents of malpractice or maladministration to the awarding body.
- 6.1.5 Failure to adhere to the regulations regarding conduct of controlled assessments, coursework, examinations and non-examination assessments. This could include but is not limited to:
- failing to ensure that candidates' controlled assessment, coursework, non-examination assessment or work to be completed under controlled conditions is adequately completed, moderated or supervised
 - failure to use the correct tasks/assignments for assessments
 - failing to prevent the introduction of unauthorised material into the examination room
 - granting access arrangements to candidates that do not meet the requirements of access arrangements and reasonable adjustments criteria
 - breaching the published arrangements for the release of examination results
 - inappropriate retention or destruction of certificates

- failure to recruit students with integrity, including the recruitment of students that have not met the qualification's minimum entry criteria and/or the recruitment of students who are unable or otherwise unlikely to complete the qualification.

6.2 Student Malpractice

This includes any act of malpractice by the student 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, compilation of portfolios of assessment evidence and the writing of any examination paper that undermines the assessment process.

The following are examples of malpractice by students; this list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

- 6.2.1 Plagiarism of any nature; in which case reference should be made to the College's Plagiarism Policy.
- 6.2.2 The alteration or falsification of any results document, including certificates.
- 6.2.3 A breach of the instructions or advice of an invigilator, supervisor or the awarding body in relation to the examination or assessment rules and regulations.
- 6.2.4 Copying from another candidate (including the use of technology to aid copying).
- 6.2.5 Allowing work to be copied e.g. posting work on social media sites prior to an examination or assessment.
- 6.2.6 The deliberate destruction of another candidate's work.
- 6.2.7 Making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio.
- 6.2.8 Allowing others to assist in the production of controlled assessment, coursework, non-examination assessment or assisting others in the production of theirs.
- 6.2.9 Impersonation: pretending to be someone else or arranging for another person to take the place of the candidate in an examination or assessment.
- 6.2.10 Behaving in a manner to undermine the integrity of the examination.

7. **Procedures to Deal with Malpractice or Maladministration**

- 7.1 In all cases, where the College suspects or discovers malpractice or maladministration it will report the incident to the relevant awarding body immediately. The College will follow all relevant awarding body requirements regarding investigating, reporting on and acting upon outcomes of the investigation.
- 7.2 Where a member of staff is suspected of malpractice, the Executive Director of HR must be informed immediately. Malpractice may be considered Gross Misconduct and the staff disciplinary policy must be invoked.
- 7.3 The Head of Department or Assistant Principal will conduct a preliminary investigation to determine the facts. Where a conflict of interest may be seen to arise this may be delegated to another appropriate senior member of staff.
- 7.4 The College will make the individual(s) aware, in writing, at the earliest opportunity of the nature of the alleged malpractice/maladministration and of possible consequences should it be proven.
 - 7.4.1 For staff, the College Staff Disciplinary Policy and Procedure will be followed in conjunction with the Executive Director of HR.
 - 7.4.2 For students, the Student Discipline and Positive Behaviour Policy and Procedures will be followed.
- 7.5 Unless otherwise stated by the awarding body procedures, the investigation will proceed through the following stages:
 - 7.5.1 **Preliminary investigation** - conducted by the appropriate Head of Department to determine whether a full investigation is necessary. If the allegation appears to have substance, then all assessments by this member of staff should be halted until the investigation is complete and the member of staff may be suspended.
 - 7.5.2 **Full investigation** - should it be determined that a full investigation is necessary it shall be conducted by an independent Investigating Officer appointed by the Principal in whose area the allegation occurred.
- 7.6 For cases of student assessment malpractice, reference should be made by the Investigating Officer to other relevant policies in Section 9.
- 7.7 Where the Investigating Officer report indicates that the student assessment is suspect or flawed, then the relevant policies in Section 9 should be consulted for appropriate penalties. Such penalties may include:

- written warning
- revision of marks
- cancellation of components or awards
- disqualification from future entries
- revocation of candidate certificates
- suspension/exclusion

For staff, the procedure will follow the Staff Disciplinary Policy and sanctions may include:

- counselling
- written warning
- suspension or dismissal

8. Monitoring and Evaluation

- 8.1 Internal monitoring/verification of assessment activity within each department will include malpractice/maladministration checks.
- 8.2 Evidence of both assessment and internal verification/moderation must be available for auditing by quality representatives and other departments, under the responsibility of the relevant Principal.
- 8.3 The records within this policy shall be kept for the duration stated in the College Archive Policy under “Appeals” and “Whistleblowing” which is nominally six years

9. Related Policies/Procedures

- Assessment Policy
- Conduct for Internally Set Examinations Policy
- Late Submission of Coursework Policy
- Plagiarism Policy
- Staff Disciplinary Procedure
- Student Discipline and Positive Behaviour Policy
- Internal Assessment Appeals Policy
- Internal Verification Policy
- Archive Policy