



University Technical College Warrington (UTCW)

Centre guidance: Dealing with malpractice and maladministration

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1. Aims

This guide is for all Pearson approved centres delivering qualifications to use as a basis for their own internal malpractice policies. It includes advice on how to prevent malpractice and maladministration and what action we will take where there is alleged or suspected malpractice and maladministration.

1. Scope

1.1 This guide applies to all our general and vocational qualifications including GCSE, A Level, BTEC, PTE, LCCI, Functional Skills, NVQ, SVQ, ESOL and Self-Regulated Framework qualifications.

1.2 This guide is for all Pearson approved centres and should be read alongside the latest issue of the JCQ Suspected Malpractice Policies and Procedures.

2. Purpose of this guide

2.1 A condition of centre approval is that you have a published malpractice policy in relation to Pearson qualifications. You may use this guide as a basis when developing your own policy. Your policy should detail your centre's process for dealing with maladministration, learner and staff malpractice and how incidents will be escalated to us.

2.2 For those considering reporting suspected malpractice or maladministration at a centre, further guidance can be found in the JCQ Public Interest Disclosure Act (Whistleblowing) document. If you want to report an incident of suspected malpractice or maladministration, or would like to discuss your concerns, please contact our Investigations team by email at pqsmalpractice@pearson.com. You can report your concerns anonymously if you wish - if requested, we will not disclose your identity unless legally obliged to do so.

2.3 Maintaining the integrity of our qualifications is important to us and incidents of malpractice and maladministration can adversely affect learners and undermine public confidence in the delivery and award of our qualifications. For this reason, we take malpractice and maladministration incidents very seriously and we will investigate all allegations we receive as fully as possible. Incidents of proven malpractice or maladministration may result in:

Penalties and/or sanctions being imposed on those found to be responsible, and/or; • debarment from delivery of Pearson qualifications (for staff) and disqualification (for learners).

2.4 There are regulatory criteria set by the UK qualifications regulators (Ofqual, SQA Accreditation, Qualifications Wales and CCEA Regulation) that govern how we investigate and manage the effects of malpractice and maladministration. Our Investigations team will investigate instances of: • non-compliance with JCQ regulations;

Non-compliance with our qualification specifications and delivery requirements;

Other alleged or suspected instances which may constitute maladministration and malpractice

2.5 Our Investigations team is independent and objective in their work and have the authority to review matters throughout Pearson and within any Pearson approved centre.

2.6 It is important for you to respond effectively and openly with us while we manage an investigation into an incident or suspected incident of malpractice or maladministration.

3. Definitions of malpractice and maladministration

3.1 JCQ defines 'Malpractice', as any act, default or practice which is a breach of the regulations or which:

Gives rise to prejudice to candidates; and/or • compromises public confidence in qualifications; and/or
Centre Guidance: Dealing with Malpractice and maladministration Owner Head of Investigations
Authorised by Responsible Officer February 2020 version 4.7 DCL 1: Public (Unclassified) Ratified by
PUKLT November 2020 Page 4 of 8 • compromises, attempts to compromise or may compromise the
process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or •
damages the authority, reputation or credibility of any awarding body or centre or any officer,
employee or agent of any awarding body or centre

3.2 For Pearson centres offering SQA Accreditation accredited qualifications, please note that SQA Accreditation defines 'Maladministration' and 'Malpractice' as:

Maladministration: Any actions, neglect, default or other practice 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 SQA Accreditation. Malpractice: Any deliberate actions, neglect, default or other practice 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 SQA Accreditation.

3.3 We are required to report cases of malpractice/maladministration to the qualifications regulators where we believe an Adverse Effect may have occurred. An Adverse Effect includes situations in which learners are disadvantaged; an awarding organisation is unable to develop, deliver or award its qualifications appropriately; the standards of an awarding organisation's qualifications are adversely affected; or public confidence in qualifications is undermined.

3.4 For Pearson centres offering SQA Accreditation accredited qualifications, we are also required to report all alleged, suspected or actual incidents of malpractice or maladministration to SQA Accreditation. It is therefore important that such centres have a malpractice policy which provides clear instructions on reporting malpractice and maladministration incidents to us immediately.

4. Ways that you can reduce malpractice and maladministration

4.1 You must check that learners declare that their work is their own, for instance:

For BTEC internally assessed units, internal assessors are responsible for checking the validity and authenticity of the learners' work.

For learners' work taught and/or assessed using distance learning/assessment.

For NVQs/SVQs and competence based qualifications, a centre and its learners must provide a written declaration that the evidence is authentic and that the assessment was conducted under the requirements of the assessment specification.

You must verify the identity of a learner before they take an examination.

Where assessment is to be conducted in a language other than English, centres must ensure that provision is made for such work to be verified and authenticated.

4.2 It is the Head of Centre's responsibility to ensure that measures have been taken to prevent and identify learner malpractice in internally assessed units and that work submitted is the learner's own and has been accurately assessed.

4.3 There are lots of ways you can reduce learner malpractice such as:

Using the induction period and the student handbook to tell learners about your policy on malpractice and the penalties for attempted and actual incidents of malpractice. •

Showing learners, the appropriate formats to record cited texts and other materials or information sources including websites. Learners should not be discouraged from conducting research; indeed, evidence of relevant research often contributes to the achievement of higher grades. However, the submitted work must show evidence that the learner has Centre Guidance: Dealing with Malpractice and maladministration Owner Head of Investigations Authorised by Responsible Officer February 2020 version 4.7 DCL 1: Public (Unclassified) Ratified by PUKLT November 2020 Page 5 of 8 interpreted and understood appropriate information and has acknowledged any sources used. Further guidance on plagiarism can be found in the JCQ document Plagiarism in Assessments - Guidance for teachers/assessors.

Checking that access controls are installed to stop learners from accessing and using another person's work.

Checking that learners do not take prohibited materials into an exam and, if appropriate, have facilities for learners to store mobile phones, bags and other materials. Prohibited materials are likely to include web-enabled communication devices such as mobile phones, iPads and smartwatches and materials which might provide an advantage such as calculators, notes and revision materials.

Having procedures for assessing work in a way that reduces or identifies malpractice such as plagiarism, collusion or cheating. These procedures may include:

Periods of supervised sessions during which evidence for assignments/tasks/coursework is produced by the learner.

Altering assessment assignments/tasks/tools on a regular basis.

The assessor assessing work for a single assignment/task in a single session for the complete cohort of learners.

Using oral questions with learners to check their understanding of the work.

Assessors getting to know their learners' styles and abilities.

5. What to do when you suspect malpractice or maladministration

5.1 If you discover or suspect a learner of malpractice, you must make the individual fully aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.

5.2 You must report any incident of: • alleged, actual or attempted malpractice by centre staff; • maladministration by centre staff; and • malpractice or attempted malpractice by learners

5.3 Incidents should be reported to us using the following email addresses: • Learner malpractice: candidatemalpractice@pearson.com • Centre/centre staff malpractice or maladministration: pqsmalpractice@pearson.com

5.4 Suspected learner malpractice relating to internally and externally assessed units Cases of suspected learner malpractice in internal and external assessments must be reported to Pearson immediately. Heads of Centre should complete JCQ Form M1 and submit this along with all supporting documentation to our Investigations Processing team at candidatemalpractice@pearson.com.

5.5 Suspected centre staff malpractice Heads of Centre are required to inform our Investigations team of any alleged, actual or suspected malpractice by centre staff, before any investigation is undertaken. Heads of Centre Centre Guidance: Dealing with Malpractice and maladministration Owner Head of Investigations Authorised by Responsible Officer February 2020 version 4.7 DCL 1: Public (Unclassified) Ratified by PUKLT November 2020 Page 6 of 8 need to contact our Investigations team by submitting a JCQ Form M2(a) with supporting documentation to pqsmalpractice@pearson.com. Where we receive allegations of malpractice from other sources (for example Pearson staff or anonymous informants), our Investigations team will conduct the investigation directly or may ask the Head of Centre to assist.

5.6 Heads of Centre or their nominees need to inform learners and centre staff of suspected malpractice of their responsibilities and rights, as detailed in section 6.13 in the JCQ Suspected Malpractice Policies and Procedures.

6. How Pearson investigates malpractice and maladministration

6.1 We may need to carry out an investigation directly in some circumstances, for example if the alleged malpractice or maladministration relates to centre management, and it is important that you support us with the investigation.

6.2 When dealing with alleged malpractice or maladministration in a centre our Investigations team will deal mostly with the Head of Centre. We may require full access to a centre for investigation purposes.

6.3 As part of the investigation we retain the right to:

- involve the learner and others in the investigation process;
- contact the learner (and/or the learner's representative) directly; and
- contact staff members directly.

6.4 The above may occur, for example, when a learner's account of events is different with that of the centre. Learners under the age of 18 who are involved may wish to be assisted by centre staff, parents or guardians.

6.5 During an investigation, we may release results and certificates or:

- refuse learner registrations/entries;
- withhold the release of results/certificates;
- modify results/ certificates;
- recall or invalidate certificates that have been issued and
- withhold test/examination papers if the security of a test/examination is considered at risk pending the outcome of the investigation.

6.6 If malpractice or maladministration is suspected by a Pearson representative (for example Standards Verifier (SV), Senior Standards Verifier (SSV), examiner, moderator) or has been reported directly to us by a third party, we will investigate it in a form appropriate to the nature of the alleged malpractice/maladministration. Such an investigation will require the full support of the Head of Centre, centre management and all staff linked to the allegation.

6.7 Any alleged incident of malpractice or maladministration brought to our attention after the issue of certificates will result in a full investigation by us.

6.8 We may need to access any documents you store in relation to alleged malpractice or maladministration. In some incidents, such as centre staff malpractice, we may be required to:

- Report the incident to the regulators including the action that has been taken by the Head of the Centre, governing body or the responsible employer

Notify or share information with fellow awarding organisations or other organisations (further information relating to notifications can be found in the JCQ General and Vocational Qualifications Suspected Malpractice in Examinations and Assessments Policies and Procedures.

7. Penalties and sanctions applied by Pearson

7.1 Where malpractice/maladministration is proven, we will consider whether the integrity of our assessments might be at risk if the centre/staff member/learner in question were to be involved in future Pearson assessments and so we may act to protect the integrity of our qualifications. This action may include:

Refusing to accept assessment/examination entries from a centre;

Withdrawing programme/centre approval;

Refusing to issue certificates; • recalling/invalidating certificates; • debarring a centre staff member from involvement in the delivery of Pearson qualifications for a number of years/life; or • debarring a learner from taking Pearson qualifications for a number of years.

8. Appeals

8.1 There are procedures for appeals against penalties and sanctions resulting from malpractice/maladministration. Appeals against a decision made by us will normally be accepted only from Heads of Centre (on behalf of learners and/or members of staff) and from individual members of centre staff (in respect of a decision taken against them personally). For further information on appeals please refer to the JCQ document 'A Guide to the Awarding Bodies' Appeals Processes'.

9. Regulatory references

9.1 UK regulators require all awarding organisations to establish and maintain their compliance with regulatory conditions and criteria. This guide addresses the following regulatory criteria and conditions:

Ofqual/CCEA Regulation/Qualifications Wales General Conditions of Recognition Malpractice and maladministration Condition A8

SQA Accreditation Regulatory Principles (2014) The awarding body and its providers shall ensure that it has safeguards to prevent and manage cases of malpractice and maladministration. Principle 14

JCQ Suspected Malpractice Policies and Procedures All sections

10. Review date

10.1 September 2023

11. Useful information

11.1 For further guidance, reference can be made to the following JCQ publications: • BTEC Managing Quality Guides • JCQ Suspected Malpractice in Examinations and Assessments • JCQ A Guide to Awarding Bodies' Appeals Processes • JCQ Plagiarism in Examinations (though applicable to all assessments) • JCQ Public Interest Disclosure Act (Whistleblowing) • Withholding results and certificates policy • Withdrawal of centre and programme approval policy

11.2 For specific queries or matters which are not addressed in the above, our Investigations team can be contacted via email at pqsmalpractice@pearson.com.