

Guide to preventing, reporting and



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1. Introduction

The purpose of this guide is to provide guidance and support to centres offering WJEC/Eduqas qualifications. It is designed to support centres with preventing, reporting and providing evidence to support the investigation of alleged, suspected or actual cases of malpractice. Sections in the guide cover:

- Ø Definition of malpractice
- Ø Responsibilities of centre staff
- Ø Preventing malpractice
- Ø Reporting malpractice
- Ø Investigating malpractice
- ³/₄ Ø Decisions and sanctions
- Ø Appeals

This guide should be read in conjunction with the current Joint Council for Qualifications (JCQ) document *Suspected Malpractice Policies and Procedures* (www.jcq.org.uk).

Malpractice may or may not relate directly to sitting an examination. WJEC is aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

Failure by a centre to notify, gather evidence and report to WJEC all allegations of malpractice or suspected malpractice constitutes malpractice.

Also, failure to take action as required by WJEC or to co-operate with an investigation, constitutes malpractice.

Some incidents of malpractice can have a significant impact upon candidates and their qualifications. WJEC is obliged to notify the qualifications regulators of certain malpractice incidents.

Centre malpractice refers to:

acts of malpractice resulting in a loss of confidence in the Head of Centre or senior leadership of the centre to maintain the integrity of the WJEC/WJEC Eduqas examinations and assessments.

Centre staff malpractice refers to:

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 include breaches of security, deception, improper assistance to candidates and maladministration.

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

Examples of candidate malpractice include the introduction of unauthorised materials into examination rooms, breaching examination conditions, exchanging, obtaining, receiving or passing on information which could be examination/assessment related, non-reporting of receiving (even if not requested) confidential examination/assessment

may be shared with relevant centre staff in order to investigate the allegation. In order to support any potential investigation, you should provide all information that you are aware of immediately. Detailed, timely and clear information will enable us to investigate cases more effectively (please see section 6 on the type of information that is important).

If you have information concerning malpractice, please e-mail WJEC's Compliance Team at malpractice@wjec.co.uk

Additional information about making an allegation is available in the JCQ' document 'Public Interest Disclosure Act' (www.jcq.org.uk).

WJEC will evaluate the allegations received to check if they would constitute malpractice if verified. WJEC may contact the person who made the allegation to request additional information or clarification. Desktop research regarding a centre will then be undertaken to

Ensure that the individual gathering the information is clear about WJEC's requirements and the forms that should be completed.

Maintain a record of every discussion and action taken during the evidence gathering process and retain the information for an appropriate period of time. In an investigation involving a criminal prosecution or civil claim, records and documents should be kept for the required duration after the case and any appeals have been heard.

Inform the individual(s) accused of malpractice at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should the malpractice be proven. Inform them of their rights - they **must** be given the opportunity to respond, preferably in writing, to the allegation made against them.

Identify all the potential sources of information and consider how the evidence can be gathered most effectively and efficiently e.g. interviews with individuals, written records, attendance sheets, CCTV footage. The quicker the information is gathered the better as evidence may be lost.

When interviewing individuals, prepare questions in advance (including those provided by WJEC) and keep a note of the meeting. This should be sent to the interviewee to sign and date as an accurate record. Interviews should be conducted in accordance with the centre's policies. The interviewer may wish to be accompanied by a note-taker.

Interviewees should be informed that information gathered as part of an interview may be shared with other individuals involved in the investigation.

Interviews with children or vulnerable adults should be conducted in accordance with the centre's safeguarding policy.

Collate all information gathered eg what happened (the nature of the malpractice), why it occurred, who was involved, when and where it happened, what actions need to be taken by the centre to prevent a recurrence.

Complete the report for WJEC using forms JCQ M1 (for candidate malpractice) and JCQ M3 (for centre staff malpractice), ensuring that all supporting information is included such as written statements (that these have been checked, signed and dated by the individual), copies of correspondence, candidate work and any other records.

Consider whether you are required to inform the Teaching Regulation Agency (England) or the Education Workforce Council (Wales).

If information gathering is delegated to another member of centre staff, the Head of Centre retains overall responsibility for the process at the centre and reporting to WJEC.

6.2 Activities carried out directly by WJEC

WJEC reserves the right to gather information directly where it feels that it is the most appropriate course of action. The decision about how an investigation is conducted always rests with WJEC. The following outlines a typical approach that 99(b)-8(e)428.33 194.71 Tm0 g0 G [

Any information that WJEC does not present to the accused (and their Head of Centre, if applicable) will not be presented to the decision-making body, such as a malpractice committee, when they consider whether an allegation of malpractice is proven.

Occasionally it may be necessary for WJEC to interview a learner during an investigation. If the learner is a minor or a vulnerable adult, WJEC will undertake to do this only in the presence of an appropriate adult.

When a WJEC officer interviews a member of centre staff, they may be accompanied by a friend or advisor (who may be a representative of a teacher association or union). If the individual being interviewed wishes to be accompanied by a legal advisor, WJEC must be informed beforehand to give them and any other parties the opportunity

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WJEC may inform third parties who have a legitimate interest such as other awarding bodies, the Teaching Regulation Agency or Education Workforce Council. The Head of Centre must consider if they should inform the Teaching Regulation Agency or Education Workforce Council directly.

WJEC does not make any comment to the media about malpractice investigations or decisions.

8. Appeals

Applications for appeals against malpractice decisions must be received by WJEC within 2 calendar weeks of receipt of the outcome using the JCQ form '*Application for Appeal*' (www.jcq.org.uk). In the case of candidate malpractice, the appellant (either the Head of Centre or a private candidate) must lodge the appeal. In the case of centre staff malpractice, the appeal should be lodged by the Head of Centre or the individual concerned (appellant).

Appeals must be based on reasonable grounds such as:

- The incident was not dealt with in accordance with the published procedures in the JCQ Suspected Malpractice Policies and Procedures
- The decision was unreasonable in light of the information presented to the Malpractice Committee
- The sanction imposed was disproportionate to the seriousness of the malpractice.
- Further evidence (including medical evidence) has come to light which may change the awarding organisation's decision;

The following do not, by themselves, constitute grounds for appeal:

- The individual did not intend to cheat
- The individual has an unblemished record
- The individual could lose a university or college place
- The individual regrets his/her actions

The appeal application may be refused upon receipt if there is no new information and
