

# EMMANUEL COLLEGE

## MALPRACTICE POLICY (EXAMS)

2024-26



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## 1. Introduction

This policy should be read in conjunction with the relevant sections of the current [JCQ publications General Regulations for Approved Centres](#) and [Suspected Malpractice: Policies and Procedures](#), and covers all qualifications delivered by the centre.

### 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:

- 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.

### Candidate malpractice

‘Candidate malpractice’ means 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.

### 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.

### Suspected malpractice

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice.

## 2. Preventing malpractice

All staff involved in the delivery of assessments and examinations must understand the requirements for conducting these as specified in the following 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: Protecting the Integrity of Qualifications](#);
- [A guide to the awarding bodies' appeals processes](#).

### **Informing and advising candidates how to avoid committing malpractice in examinations/assessments**

The College will ensure:

- All JCQ notices, e.g. Information for candidates, non-examination assessments, coursework, on-screen tests, written examinations, social media, plagiarism are distributed to candidates prior to assessments/examinations taking place.
- Candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.
- Candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice.
- Candidates are aware of the sanctions of 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.
- 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.
- Candidates completing coursework or non-examination assessments are aware of the need for the work to be their own.

### **AI Use in Assessments**

In accordance with the JCQ guidelines, the College recognises the potential for misuse of Artificial Intelligence (AI) tools in assessments and examinations. As part of our commitment to maintaining the integrity of qualifications, the following will be implemented:

#### **1. AI Use in Assessments:**

- The college will ensure that candidates understand the proper use of AI in assessments, particularly in non-examined assessments (NEAs), coursework, and other internal assessments.

- Students must not use AI tools, such as generative AI, to complete work that is to be submitted as their own unless explicitly allowed under assessment guidelines.
  - Any use of AI must be properly acknowledged following awarding body guidelines, and any misuse of AI, such as submitting AI-generated work as the candidate's own without acknowledgement, will be considered malpractice.
- 2. Preventing AI Misuse:**
- Teaching staff will be trained to detect AI misuse, and JCQ resources will be used to assist in this training.
  - AI misuse includes, but is not limited to, using AI tools to generate content for assessments that should be completed independently by the candidate.
  - The policy will ensure clear communication with students regarding the risks of AI misuse and the potential sanctions for malpractice involving AI.
- 3. Reporting AI-related Malpractice:**
- Any suspected cases of AI misuse will be treated as malpractice and will follow the reporting procedures outlined in this policy.
  - Suspected misuse of AI tools must be reported to the Examinations Officer and will be escalated to the awarding body as per JCQ guidelines.

With reference to the JCQ guidance for Teachers and Assessors – [AI Use in Assessments: Protecting the Integrity of Qualifications](#):

Students complete the majority of their exams and a large number of other assessments under close staff supervision with limited access to authorised materials and no permitted access to the internet. The delivery of these assessments should be unaffected by developments in AI tools as students must not be able to use such tools when completing these assessments.

There are some assessments in which access to the internet is permitted in the preparatory, research or production stages. The majority of these assessments will be Non-Examined Assessments (NEAs), coursework and internal assessments for General Qualifications (GQs) and Vocational & Technical Qualifications (VTQs). JCQ's guidance which is designed to help students and teachers to complete NEAs, coursework and other internal assessments successfully is followed in relation to these assessments.

The available JCQ support resources will also be used to help teachers understand and prevent AI misuse and to help students to better understand the rules for use of AI in assessments.

### **3. Identification and reporting of malpractice**

#### **Escalating suspected malpractice issues**

- Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels.
- The member of staff that suspects malpractice should report it to the Examinations Officer. The Examinations Officer will then inform the Head of Centre of the suspected malpractice, including any details that they are already aware of surrounding the incident(s).
- If the suspected malpractice involves the Examinations Officer, then this should be reported directly to the Head of Centre.

#### **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, 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](#).
- 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.
- 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 of an incident of suspected staff malpractice/maladministration.
- Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will be dealt with in accordance with the centre's internal procedures, see section 6. The only exception to this is where the awarding body's confidential assessment material has potentially been breached. The breach will be reported to the awarding body immediately.
- If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of accused individuals.
- Once the information gathering has concluded, the Head of Centre (or other appointed information gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries.
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used.
- 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.

#### **4. 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.

#### **5. Appeals against decisions made in cases of malpractice**

The College 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](#).

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| <b>6. Procedure to follow when malpractice does not need to be reported to the exam board</b> |
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Suspected malpractice by a candidate in a controlled assessment, coursework or non- examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body. However, an investigation will still be carried out using procedures like those of a formal malpractice investigation, using the M1 form as a guide for the process. In brief:

- The member of staff that suspects malpractice should report it to the Examinations Officer. The Examinations Officer will then inform the Head of Centre, including any details that they are already aware of surrounding the incident(s).
- A person with no personal or other conflict of interest in the outcome of the investigation will be nominated to gather information relevant to the incident, such as the Examinations Officer or a member of the senior management team.
- The candidate and their parents or carers should be informed in writing of the allegation made against him/her, what evidence there is to support the allegation and possible consequences if it is proven.
- The candidate should have the opportunity to consider their response to the allegation and submit a written response.
- Information should be obtained from relevant staff and candidates through interviews or statements.
- The information gathered should be summarised in a report for the Head of Centre to review and decide on the outcome.
- The outcome should be communicated in writing to the candidate and their parents or carers.
- If the candidate or their parents or carers disagree with the outcome, they should follow the guidance set out in the College Complaints Policy.