

Malpractice and Maladministration in Examinations Policy

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Date of last review	May 2018	Date of next review:	May 2020
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Policy review dates and changes

Review date	By whom	Summary of changes made	Date implemented

Signed		Designation	Chair of Governors
Name	Janet Hall	Date	May 2018

1. Purpose

As an approved awarding organisation RSDD must maintain rigorous quality assurance and control arrangements as outlined in the General Conditions of Recognition.

RSDD expects to work co-operatively with examination boards to ensure that the statutory regulation of external qualifications is upheld and, through this, award appropriately the candidates who have demonstrated that they have successfully achieved the required standards.

As a regulated awarding organisation, we aim to prevent malpractice and maladministration occurring. If such incidents happen, we will fully investigate and work with centres to find a satisfactory conclusion and to minimise the effects on all parties, and we will aim to identify improvements in practice that will prevent any reoccurrence.

As part of this regulatory responsibility, we will ensure that we have robust measures in place to prevent, investigate and deal with cases of maladministration, and any suspected, alleged and actual cases of malpractice, and to work with examination boards in cases where there is found to be cause for concern. This policy covers all RSDD qualifications and all related procedures and activities.

RSDD will ensure that all staff having a role in the delivery, assessment, moderation/verification and administration of qualifications, and all candidates undertaking qualifications have access to this policy and understand their responsibilities in relation to it.

2. Definition of Malpractice and Maladministration

Malpractice is any illegal or unethical activity or practice that deliberately breaches regulations, or might compromise quality assurance or control, or undermine the integrity and validity of assessment, the certification of qualifications and/or damage the authority of those responsible for conducting the assessment and certification, or could otherwise compromise the reputation of RSDD, the centre, or the wider qualifications community.

Malpractice may involve any or all of the following: candidates, centre staff, awarding organisation staff, for example:

- Candidate malpractice could be plagiarism of any kind; collusion or copying of another candidate's work; assuming the identity of another person for the purposes of assessment; providing false information in relation to exemption from assessment.
- Centre staff malpractice could be contravention of, or continued failure to meet centre approval, or any of RSDD's administration or quality assurance requirements; providing improper assistance to candidates in the production of work for assessment; allowing evidence which is known by the staff member not to be the candidate's own to be included; or making claims for certification prior to the candidate completing all the requirements of the assessment.
- Malpractice could be the failure of an RSDD auditor or external moderator to fully undertake their role in line with quality assurance requirements. In suspected cases involving an RSDD External Moderator or other member of staff, RSDD will conduct an investigation appropriate to the nature of the allegation.

Maladministration is any unintentional activity or practice that leads to non-compliance with examination board requirements. In most cases, maladministration will relate to administrative or quality assurance procedures, and may involve any or all of the following: candidates, centre staff, awarding organisation staff. Maladministration, if serious enough, may be treated as malpractice. In suspected cases involving an RSDD External Moderator or other member of staff, RSDD will conduct an investigation appropriate to the nature of the allegation.

3. Responsibilities in alleged or actual cases of malpractice or maladministration

Examination board responsibilities

When alleged or actual malpractice or maladministration has been identified examination boards will:

- Notify the Headteacher. If the allegation implicates the Headteacher, examination boards will notify the Chair of Governors.
- Undertake fair and unbiased investigations
- Notify the Regulators Ofqual / CCEA / Qualifications Wales (as appropriate) of all serious incidents of maladministration or malpractice and of steps taken or intended to be taken to prevent, correct or mitigate any adverse effect that may occur as a result, in line with RSDD's policy for dealing with Adverse Effects

- Ensure that all reasonable steps are taken to prevent or mitigate the effect of the alleged or actual incident as far as possible
- If requested, give advice and guidance on how best to work with RSDD to investigate, deal with and prevent the effect of the alleged or actual incident
- Provide the centre with a report of the investigation outcome
- Take appropriate action against any person found to be responsible for proven malpractice or maladministration
- Revoke any certificate found to have been issued invalidly as a result of malpractice or maladministration
- Apply sanctions in line with examination boards sanctions policy
- Work with the centre to ensure that the malpractice or maladministration do not recur

RSDD responsibilities

As a requirement of registration for a qualification, RSDD must:

- Have in place, and submit to examination boards as part of Centre Approval procedures, an appropriate policy for dealing with malpractice within the centre
- Immediately report to examination boards all suspected (alleged) and actual incidents of malpractice or maladministration
- Inform the person suspected of malpractice that an investigation will take place and that they have a right to reply or appeal against any sanction imposed on them
- Comply fully with examination board requests for information in relation to the allegation
- implement agreed actions as a result of the investigation, and take appropriate measures to mitigate the effect and prevent any recurrence of the maladministration or suspected or actual malpractice
- Notify examination boards if any person involved in the malpractice or maladministration or in completing any actions as a result of the investigation leaves the centre
- Co-operate with examination boards during the investigation, including carrying out internal investigations in line with examination boards requests, using people who are not involved in the alleged maladministration or malpractice
- retain records and documentation relating to the investigation for a period of time
- Provide examination boards with a report of any such investigation

Failure to report malpractice or maladministration, suspected or actual, once candidates have been registered, may affect the issue of certificates, and a failure to co-operate might affect the future registration of candidates.

4. Guidance for preventing malpractice and maladministration

- Provide clear information for staff: Many instances of malpractice relate to a lack of communication. For example, all staff involved must be aware of the assessment requirements, the relevant Standards with Guidance, administrative procedures and the terminology and definitions of malpractice and maladministration. They must be aware of the procedures to follow should they become aware of either centre staff or candidate malpractice or maladministration occurring.
- Identify the key roles of staff: It must be clear to all staff what their roles and responsibilities are for the various aspects of the management, delivery and administration of assessments (assessors/tutors, internal moderator, exams officers and other administrative staff).
- Only assist candidates where permitted: Assessors must be clear over how they may “assist candidates” in relation to assessments/portfolios. Candidates with access arrangements must not be assisted beyond what is permitted by the regulations.
- Deal with centre staff and candidate malpractice in the correct and appropriate manner: If centre staff or candidates are suspected of engaging in any of the behaviour/actions detailed above then this needs to be dealt with in the appropriate manner.
- Senior leaders must ensure that they are clear over what examination boards expect when dealing with such instances. They are aware of the processes related to dealing with malpractice and how to investigate and report instances accordingly.
- Provide clear information for candidates: Although it is almost impossible to monitor every aspect of internal assessments, candidates should be clear over the consequences of collusion, copying or

allowing their work to be copied. It is the responsibility of schools to make candidates aware of these regulations.

5. Identifying cases of alleged or actual malpractice or maladministration

Suspected cases of malpractice or maladministration could be identified by centre staff, examiners, moderators and assessors, candidates, external agencies or individuals, whistle blowers or anonymous informants.

RSDD is aware that the reporting of malpractice or maladministration by a member of staff or candidate can potentially cause a difficult situation in the workplace or centre, and will therefore protect the identity of the informant as far as legally possible if this is asked for when a report is made. RSDD will continue to carry out an investigation but will tell the informant that its scope may be limited. Where the person making the allegation gives no contact information whatsoever, RSDD will be unable to carry out an investigation but will log the details of the allegation. If the information is provided by telephone, the informant will usually be asked to make the allegation in writing.

6. Reporting suspected or actual malpractice or maladministration

RSDD will submit the full details of the case at the earliest opportunity to examination boards, using the *Notification of malpractice or maladministration form*. Copies can be found on the examination boards' website. Any additional evidence to support the allegation should be included with the form.

7. Procedures

- A case of alleged or actual malpractice or maladministration is identified and following internal consideration, a decision is made that it compromises quality and that the awarding organisation should be informed.
- If in the course of day to day operations examination boards identifies an issue that suggests that malpractice or maladministration may have taken place by RSDD or candidate, an investigation will be carried out and RSDD notified
- Malpractice, actual or suspected, and identified malpractice should be brought to the attention of the Regulation Manager. This should be in the form of a written report detailing events and circumstances, and should be sent as soon as possible following discovery. This report may be received from centre staff, examiners, moderators and assessors, candidates, external agencies or individuals or others.
- Once received by examination boards, details are recorded and an acknowledgement sent to RSDD within 5 working days.
- The allegation and evidence are investigated by the Regulation Manager and discussed with the Head of Quality Assurance and Education Director, to establish whether further action needs to be taken
- RSDD and/or other relevant persons are informed in writing of the outcome of the initial investigation, within 5 working days of the investigation, and advised on any sanctions imposed and also of any actions required in order to prevent or mitigate any adverse effect caused by the malpractice or maladministration
- In the event of continued investigations further acknowledgement is sent to relevant parties with revised timescales.
- RSDD is notified of the conclusions of the investigation, and actions to be taken, including sanctions and revocation of certificates, within 30 working days of the initial notification
- Cases of maladministration or malpractice that may affect another awarding organisation will be reported to that awarding organisation.
- Serious incidents of maladministration or malpractice are reported to the appropriate Regulator/s as soon as possible together with notification of steps taken or intended to be taken to prevent, correct or mitigate any adverse effect that may occur as a result
- RSDD will co-operate with the appropriate Regulator/s and other awarding organisations or agencies as necessary, in any follow-up investigations. Senior Managers/Trustees are informed
- Details of irregularities are archived once resolved to individual centre files, with information retained in a designated file for monitoring

See also

- Examinations and Controlled Assessments Policy