



# **MALPRACTICE POLICY**

**Suspected candidate or staff malpractice must be investigated and acted on,  
in line with SQA requirements.**

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## 1. Candidate malpractice

Examples of candidate malpractice include:

- plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own
- collusion with others when an assessment must be completed by individual candidates
- copying from another candidate (including using ICT to do so)
- personation — pretending to be someone else
- inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence
- frivolous content — producing content that is unrelated to the assessment
- unauthorised aids — physical possession of unauthorised materials (including mobile phones, MP3 players, notes etc) during the internal assessment
- inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language

Candidates will be issued a 'Candidate Procedure' contract document at the start of term. This document will detail all of the above examples of malpractice. Candidates are required to sign this document to confirm they understand it and return a copy to the Training Officer.

If a candidate is found to have committed any of the above offenses, an investigation will be carried out by Deaf Action. Depending on the severity of the offense, resulting actions could range from a candidate having to re-sit an assessment to being asked to leave the course without refund or accreditation.

## 2. Centre malpractice

Centres' policies and procedures should use the following definition of malpractice, in relation to internal assessment in SQA qualifications:

*"Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of SQA assessment requirements including any act, default or practice which:*

- *Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any SQA qualification or the validity of a result or certificate; and/ or*
- *Damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA."*

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance);
- Some incidents arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of SQA qualifications and deliberate non-compliance with SQA requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned. Where SQA becomes aware of concerns of possible malpractice, its approach will be fair, robust and proportionate to the nature of the concern. These

procedures will be applied where SQA's view is that there is a risk to the integrity of certification, which is not being successfully managed through our regular processes.

Examples include:

- misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- insecure storage of assessment instruments and marking guidance
- failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records
- failure to comply with SQA's procedures for managing and transferring accurate candidate data
- excessive direction from assessors to candidates on how to meet national standards
- deliberate falsification of records in order to claim certificates

### **3. Reporting suspected malpractice**

Individuals can report suspected malpractice by candidates, members of staff or tutors.

- Concerns from students about other candidates should be reported to the course tutor in the first instance. If the tutor needs to escalate the concern, it will be referred on to the Training Officer and then on to the Head of Centre.
- Concerns from candidates about a tutor should be reported to the Training Officer in the first instance. Should the need arise; it will be referred on to the Head of Centre.
- Concerns from a tutor about a candidate should be reported to the Training Officer in the first instance. Should the need arise; it will be referred on to the Head of Centre.
- Concerns about the Training Officer should be directed to the Head of Centre.

### **4. Investigating suspected malpractice**

Deaf Action takes allegations of malpractice very seriously and will investigate any concerns brought to our attention. Investigations will be carried out by the Training Officer in the first instance by:

- Reviewing assessment evidence and records
- Seeking second opinion from an internal verifier
- Interviewing other candidates
- Meeting with tutors or members of staff who have had involvement in the course

Should a concern be raised against the Training Officer, the Head of Centre will conduct the investigation.

### **5. Communicating outcomes of investigations**

Once an investigation has been conducted and concluded, the concerned parties will be notified of the outcome. The concerned parties are:

- the candidate or member of staff under investigation
- other interested parties (e.g. assessor, tutor, head of centre, data management staff dealing with results or any involved members of staff)

The concerned parties will be notified in written form (email or letter) within 5 working days of the investigation concluding.

## **6. Reporting malpractice to SQA**

Any suspected cases of centre malpractice must be reported to SQA. In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation, Ofqual or Qualifications Wales, centres are required to report any suspected case of candidate malpractice to SQA. The matter must also be reported to the police if the malpractice involves a criminal act.

Actions and sanctions if malpractice is proven state that any actions to be taken as a result of malpractice being proven through investigation will be specified clearly in the written feedback on the outcome of the investigation. If appropriate, the next step may be to move to candidate or staff disciplinary procedures at this stage.

Candidates involved in an investigation of malpractice (whether candidate or centre malpractice) will not be resulted for the assessments in question until the investigation is completed, the outcome decided and any appeal concluded.

## **7. Appeals against malpractice decisions**

Candidates and staff have the right to appeal any malpractice decision against them.

This should be sent to the Training Officer in the first instance within 3 weeks of the date on the written outcome they receive.

If the Training Officer was involved in the initial malpractice investigation, it will be referred to the Head of Centre. If the Head of Centre was also previously involved, the matter will be passed to another member of the Senior Management Team and an independent person with experience of either BSL or SQA procedure depending on the context of the investigation.

Should the malpractice claim be against the centre (Deaf Action), SQA will be responsible for conducting the investigation and appeals should be directed to SQA. SQA states:

*“Centres have the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by SQA. Centres also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to SQA. Candidates have the right to appeal to SQA where:*

- *the centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted the centre’s appeals process*
- *SQA has conducted an investigation and the candidate disagrees with the decision”*

## **8. Record retention**

Where an investigation of suspected malpractice is carried out, the centre (Deaf Action) must retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications.

Records should include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for six years. In an investigation involving a potential criminal prosecution or civil claim, records and documentation should be retained for six years after the case and any appeal has been heard. If the centre has any doubt about whether criminal or civil proceedings will take place, it should keep records for the full six year period.