

MALPRACTICE POLICY

2024/25

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What does this policy affect?

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 use 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 – Suspected Malpractices Policies and Procedures 1 **(SMPP 1)**

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. **(SMPP 2)**

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 **(SMPP 2)**

Suspected malpractice

For the purpose of this document, suspected malpractice means all alleged or suspected incidents of malpractice. **(SMPP 2)**

Purpose of the policy

To confirm The Oswaldtwistle School:

- Has in place a written malpractice policy which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body. **(GR 5.3)**

Procedure for planning and managing conflicts of interest

The process

In accordance with the regulations The Oswaldtwistle School will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place. **(GR 5.11)**
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing appropriate documentation. **(GR 5.11)**
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication Suspected Malpractice – Policies and Procedures and provide such information and advice as the awarding body may reasonably require. **(GR 5.11)**

The Oswaldtwistle School has in place:

- Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication Suspected Malpractice: Policies and Procedures. **(SMPP 4.3)**
- This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance:
 - General Regulations for Approved Centres 2023-2024; Instructions for conducting examinations (ICE) 2023-2024; Instructions for conducting coursework 2023-2024; Instructions for conducting non-examination assessments 2023-2024; Access Arrangements and Reasonable Adjustments 2023-2024; A guide to the special consideration process 2023-2024; Suspected Malpractice: Policies and Procedures 2023-2024; Plagiarism in Assessments; AI Use in Assessments: Protecting the Integrity of Qualifications; A guide to the awarding bodies' appeals processes 2023-2024 **(SMPP 3.31)**

Preventing AI misuse

What is AI, when may it be used and what are the risks of using AI?

AI use refers to the use of AI tools to obtain information and content which might be used in work produced for assessments which lead towards qualifications.

AI chatbots are AI tools which generate text in response to user prompts and questions. Users can ask follow-up questions or ask the chatbot to revise the responses already provided. AI chatbots respond to prompts based upon patterns in the data sets (large language model) upon which they have been trained. They generate responses which are statistically likely to be relevant and appropriate. AI chatbots can complete tasks such as the following:

- Answering questions
- Analysing, improving, and summarising text
- Authoring essays, articles, fiction, and non-fiction
- Writing computer code
- Translating text from one language to another
- Generating new ideas, prompts, or suggestions for a given topic or theme
- Generating text with specific attributes, such as tone, sentiment, or formality

The use of AI chatbots may pose significant risks if used by students completing qualification assessments as they have been developed to produce responses based upon the statistical likelihood of the language selected being an appropriate response and so the responses cannot be relied upon. AI chatbots often produce answers which may seem convincing but contain incorrect or biased information. Some AI chatbots have been identified as producing dangerous and harmful answers to questions and some also produce fake references to books/articles by real or fake people.

What is AI misuse?

AI misuse is where a student has used one or more AI tools but has not appropriately acknowledged this use and has submitted work for assessment when it is not their own. Examples of AI misuse include, but are not limited to, the following:

- Copying or paraphrasing sections of AI-generated content so that the work submitted for assessment is no longer the student's own
- Copying or paraphrasing whole responses of AI-generated content
- Using AI to complete parts of the assessment so that the work does not reflect the student's own work, analysis, evaluation or calculations
- Failing to acknowledge use of AI tools when they have been used as a source of information
- Incomplete or poor acknowledgement of AI tools
- Submitting work with intentionally incomplete or misleading references or bibliographies.

AI misuse constitutes malpractice as defined in the **JCQ Suspected Malpractice: Policies and Procedures**. The malpractice sanctions available for the offences of 'making a false declaration of authenticity' and 'plagiarism' include disqualification and debarment from taking qualifications for a number of years. Students' marks may also be affected if they have relied on AI to complete an assessment and, as noted above, the attainment that they have demonstrated in relation to the requirements of the qualification does not accurately reflect their own work.

Students are made aware of the importance of referencing sources they have used when producing work for an assessment. If a student uses an AI tool which provides details of the sources it has used in generating content, these sources must be verified by the student and referenced in their work in the normal way. Where an AI tool does not provide such details, students should ensure that they independently verify the AI-generated content – and then reference the sources they have used.

Informing and advising candidates

The candidates are informed in the exam assembly of what Malpractice is and how it can affect them in line with current JCQ policy guidance (**Suspected Malpractice Policies and Procedures**). Candidates are also shown the **JCQ AI poster** and this is up on the exam notice board.

For any assessments that could be affected by the use of AI, the teaching staff will inform the candidates of the regulations or if/when AI technology can be used, and also the consequences of its misuse. Staff have been directed towards the **AI Use in Assessments: Protecting the Integrity of Qualifications** JCQ guidance and the **JCQ AI Information sheet for teachers**.

Candidates are informed of the 'Warning to Candidates' and 'Unauthorised Items' posters which are also outside all exam rooms. The suggested wording for Appendix 8 of the ICE - Notice to centres: The people present in the examination room for Invigilator's announcements at the beginning of written examinations also details what can and cannot be done in the exam environment and is read out at the beginning of every exam.

A candidate who arrives after the start of the examination may be allowed to enter the examination room and sit the examination. This is entirely at the discretion of the centre and the candidate must be treated in line with the regulations, which includes reading instructions to candidates before entering the exam room.

A candidate who arrives late and is permitted by the centre to sit the examination, must be allowed the full time for the examination.

Identification and reporting of malpractice

As soon as malpractice is suspected during the exam process, the Exams Officer is made aware and discusses with the witness of what has occurred and logs this on the appropriate JCQ M form and gets it signed by the witness. The candidate is then informed of the incident and the potential impact that it may have on their results. They are asked if they agree with the statement and if they would like to add a statement.

The checklist on Form M1 is followed for candidate malpractice.

The checklist on Form M2/M3 is followed for centre/staff maladministration/malpractice.

- The Exams Officer or 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. (SMPP 4.1.3)**
- 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. **(SMPP 4.1.3)**
- 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. **(SMPP 4.6)**
- 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. 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. **(SMPP 4.5)**
- If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or member of staff) will be informed of the rights of accused individuals. **(SMPP 5.33)**

- Once the information gathering is concluded, the Head of Centre (or other appointed information gatherer) will submit a written report summarising the information obtained during the course of their enquiries. **(SMPP 5.35)**
- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used. **(SMPP 5.37)**
- 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. **(SMPP 5.40)**

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. **(SMPP 11.1)**

Appeals against decisions made in cases of malpractice

The Oswaldtwistle School 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**.

Responsibilities

Head of Centre

The Oswaldtwistle School will:

- Notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice.
- Review and sign any malpractice cases prior to submission
- 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. **(SMPP 4.1.3)**
- Pass on details of any sanctions and action in cases where this is indicated.

Senior Leaders

- Ensure that centre staff are aware of the requirement to adhere to the examination's regulations, instances that class as malpractice and the malpractice process.

Exams Office/Officer

- Complete the administrative process for any cases of Suspected malpractice.
- Identify and follow the awarding body's administrative process for malpractice.
- Retain the records of any cases of malpractice.