



# **Candidate Malpractice in Externally Assessed Examinations and Assessments**

## **Information for Centres**

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# 1 Introduction

This is a guide for centres on procedures for dealing with candidate malpractice that are necessary for maintaining the integrity of SQA's qualifications. The guide:

- ◆ defines candidate malpractice in the context of examinations and assessments
- ◆ sets out the responsibilities of SQA, centres and candidates in relation to malpractice
- ◆ describes how to proceed in cases where there is reason to suspect malpractice

Malpractice arises in a variety of ways. Some incidents are intentional and aim to give an unfair advantage in an examination or assessment. Some occur because of ignorance of the regulations, or carelessness or forgetfulness in applying them.

All allegations of malpractice in examinations and assessment need to be investigated consistently, fairly and impartially to protect the integrity of the qualification and be fair to all centres and candidates.

## 2 Definitions

‘Malpractice’ means any act, default or practice that is a breach of assessment regulations and which:

- ◆ compromises, attempts to compromise or could compromise the process of assessment, the integrity of a qualification, or the validity of an assessment result or certificate

and/or

- ◆ damages the reputation or credibility of SQA and its qualifications

‘Candidate malpractice’ means malpractice by a candidate in the course of any examination or assessment.

It can arise in:

- ◆ the preparation and authentication of coursework
- ◆ the presentation of practical work
- ◆ the compilation of portfolios of assessment evidence
- ◆ the writing of examination papers
- ◆ conduct during the assessment

### 2.1 Types of candidate malpractice

Some types of candidate malpractice are described below. This is not an exhaustive list, and does not limit the scope of the definitions set out in this document. Other types of behaviour may be considered as malpractice at SQA’s discretion.

#### **a Collusion**

Copying work from another candidate and/or working collaboratively with other candidates on an individual task.

#### **b Frivolous content**

Producing content that is unrelated to the examination paper/question in scripts or coursework.

**c**      **Misconduct**

Behaviour in the examination room that causes disruption to others. This includes talking, shouting, abusive and/or aggressive behaviour/language, and having an unauthorised electronic device that causes a disturbance in the examination room.

**d**      **Offensive content**

Content in scripts or coursework which includes vulgarity and swearing that is outwith the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia).

**e**      **Personation**

Assuming the identity of another candidate or having someone assume your identity during an assessment.

**f**      **Plagiarism**

Failure to acknowledge sources properly and/or the submission of another person's work as if it were your own.

**g**      **Unauthorised aids**

Physical possession of unauthorised materials (including mobile phones, MP3 players, notes, etc) in the examination room.

### 3 Responsibilities

SQA will:

- ◆ oversee all investigations into suspected or alleged malpractice
- ◆ withhold the issuing of results until the conclusion of the investigation — or permanently, where the outcome of the investigation warrants it
- ◆ apply penalties in cases of proven malpractice
- ◆ report the matter to the police if a proven malpractice involved a criminal act

SQA requires that all instances of suspected or actual malpractice in an external assessment be reported to us at the earliest opportunity — this will normally be done by Invigilators and Markers. The only exception to this is malpractice in the production of folio/project pieces discovered by the presenting centre before the materials have been submitted to SQA. Such instances should not be reported to SQA but should be dealt with in accordance with the centre's internal procedures.

Investigations should be carried out by the Head of Centre. They should:

- ◆ supervise all investigations resulting from an allegation of malpractice
- ◆ ensure that, if it is necessary to delegate an investigation to a member of staff, the member of staff chosen is independent, and not connected to the subject involved in the suspected malpractice — this is to avoid conflicts of interest which can otherwise compromise the investigation
- ◆ respond speedily and openly to all requests for an investigation into an allegation of malpractice
- ◆ advise candidates of their individual responsibilities and rights as set out in these guidelines — (see 4.4 Rights of the accused individual, page 2).
- ◆ pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by SQA as a result of a malpractice case

## **4 Procedures for dealing with allegations of malpractice**

The handling of malpractice complaints and allegations involves the following phases:

- ◆ the allegation
- ◆ SQA's response
- ◆ the investigation
- ◆ the report
- ◆ the decision
- ◆ the appeal

### **4.1 The allegation**

Markers and Invigilators are instructed to report all suspicions and/or instances of malpractice in an examination or assessment immediately to SQA. A full account of the incident should be submitted together with any supporting evidence and an indication of which regulation or requirement has been broken.

### **4.2 SQA's response to an allegation**

In the case of reports of suspected malpractice, we will consider the report and decide whether to:

- ◆ Take no further action.
- ◆ Write to the Head of Centre advising of the proposed penalty to be applied.
- ◆ Ask the Head of Centre to conduct a full investigation into the alleged malpractice and to submit a written report.
- ◆ In the case of alleged fraud or a serious breach of security, investigate the matter directly. In such instances the police may also be informed.

### **4.3 The investigation**

Where we request that an investigation be undertaken, this should be carried out by the Head of Centre as quickly as possible. The investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.

When the Head of Centre discusses an allegation with a candidate, the discussions should be conducted in accordance with the centre's own policy for conducting disciplinary enquiries. All individuals involved should be asked to provide a written statement.

## **4.4 Rights of the accused individual**

Heads of Centre should provide an individual who is under investigation for suspected malpractice with:

- ◆ information about the allegation made against him or her
- ◆ information about the evidence there is to support that allegation
- ◆ information about the possible consequences should malpractice be established
- ◆ the opportunity to seek advice (as necessary)
- ◆ the opportunity to consider their response to the allegations (if required)
- ◆ the opportunity to submit a written statement
- ◆ information of the applicable SQA appeals procedure, should a decision be made against him or her (see section 5 Appeals page 9)

In certain circumstances it may be necessary for the Head of Centre to exercise discretion as to how and when an allegation of malpractice and the supporting evidence is presented to the individual.

During an investigation, the conduct of the candidate in other examinations or assessments should not be taken into account

SQA requests that Heads of Centre conduct any necessary investigation promptly. It is recognised that it may not always be possible to conclude cases quickly — particularly given that the majority of cases will need to be dealt with during summer holidays — but SQA aims to conclude cases before August Certification as any cases not concluded before this time will result in the candidate concerned having their award withheld (ie not reported on their August certificate).

## **4.5 The report**

After investigating an allegation of malpractice, the Head of Centre should submit a full written report on the case to SQA. The report should be accompanied by the following documentation, as appropriate:

- ◆ a statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre
- ◆ written statement(s) from the candidate(s)
- ◆ details of any mitigating factors
- ◆ candidate seat numbers (where applicable)
- ◆ details of unauthorised material found in the examination room
- ◆ any work of the candidate(s) and any associated material (eg source materials for coursework) that is relevant to the investigation

The Investigation Report form (Appendix 2) should be used as the basis of the report. We will accept reports in letter format, providing the information given covers the same points as the form.

## 4.6 The decision

A panel, composed of members of SQA staff who are experienced in examination and assessment procedures, determines the outcomes in cases of alleged malpractice. This is referred to as the 'Malpractice Panel'.

- ◆ Members of the Panel are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the Panel had been biased. Any member with a close personal interest will take no part in the discussion of that case and will not be present when the Panel discusses the matter.
- ◆ Candidates under investigation and Heads of Centre may not attend at the meetings of the Malpractice Panel.

The Malpractice Panel will establish whether correct procedures have been followed in the investigation of the case, and if all individuals involved have been given the opportunity to provide a written statement. If this has not happened, the Malpractice Panel will refer the matter back to the centre for the investigation process to be completed correctly.

When making a decision on a case, the Malpractice Panel will:

- ◆ identify the regulation or specification requirement which it is alleged has been broken
- ◆ consider the facts of the case including any mitigating circumstances
- ◆ decide, on the facts, whether malpractice has occurred
- ◆ establish who is responsible if a breach of regulation has occurred
- ◆ determine an appropriate level of sanction or penalty

The Malpractice Panel must be satisfied on the balance of probabilities that the allegation is substantiated. SQA will endeavour to protect candidates who, through no fault of their own, are caught up in a malpractice incident. *It should be noted however that, where evidence is inconclusive (ie there is evidence of malpractice but it cannot be established who was to blame), SQA may decline to accept the work of the candidates to protect the integrity of the qualification for the majority.*

## **4.7 Sanctions and penalties**

SQA will impose sanctions and penalties on candidates where malpractice has been established to:

- ◆ minimise the risk to the integrity of examinations and assessments, both in the present and in the future
- ◆ maintain public confidence in the delivery and awarding of qualifications
- ◆ ensure that there is nothing to gain from breaking the regulations
- ◆ deter others from doing likewise

Sanctions or penalties for malpractice offences are detailed in Appendix 1. SQA reserves the right to apply penalties flexibly and/or outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

Penalties will be based only on the evidence available. All penalties must be justifiable and reasonable in their scale and consistent in their application.

Unless a penalty is accompanied by a bar on future entry, all candidates penalised by loss of marks or disqualification may retake the qualification(s) affected at the next examination diet.

## **4.8 Communicating the decision**

We will inform the Head of Centre of the decision by sending a Notification of Penalty form (Appendix 3) as soon as possible. The Head of Centre should then communicate the decision to the candidate(s) concerned.

## 5 Appeals

SQA has established procedures for considering appeals against penalties arising from malpractice decisions. Both Heads of Centre and candidates have a right to appeal against decisions of the Malpractice Panel.

Where both the centre and the candidate disagree with the proposed penalty, representations should be submitted by the Head of Centre within two weeks of receipt of the Notification of Proposed Penalty Report. SQA will consider the representation and respond to the Head of Centre with its decision.

Candidates also have the right to submit a formal appeal directly to SQA should they feel that they have been treated unfairly either by SQA or the centre. Such appeals will only be accepted following completion of due process (ie submission of Investigation and/or Notification Reports) and formal communication by SQA of any penalty to be applied. Candidates will at this stage be advised to write directly to SQA with evidence supporting their claim. Once SQA has considered the representation, we will write to all concerned parties advising them of the outcome of the appeal.

In addition to the appeals procedure, any formal complaint about SQA's administration of a case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website ([www.sqa.org.uk](http://www.sqa.org.uk)).

## 6 Other sources of information

*Your Coursework* booklet

*Your Exams* booklets and posters

*Coursework Authenticity: A Guide for Teachers and Lecturers*

# Appendix 1: Example of categories and penalties

Category	No further action	Warning	Warning/No assessment appeal	Cancel	De-bar
Collusion					
Significant amount copied in one or more of the contributing pieces				X	
Minor amount copied in more than one of the contributing pieces				X	
Minor amount copied in one of the contributing pieces			X <sup>1</sup>		
Candidate shared his/her own work with another candidate			X		
Frivolous content					
Significant amount			X		
Minor amount		X			
Misconduct					
Causes disturbance/disruption		X	X	X	
Refuses to leave exam room when instructed				X	
Abusive and/or aggressive behaviour				X	
Offensive content					
Isolated amount — non discriminatory		X			
Frequent amount — non discriminatory			X	X	
Discriminatory content — any amount			X	X	
Personation					
Identities proven				X <sup>2</sup>	X <sup>3</sup>
Identities cannot be proven	X				
Plagiarism					
Significant amount of plagiarism in one or more of the contributing pieces				X	
Minor amount of plagiarism in more than one of the contributing pieces				X	
Minor amount of plagiarism in one of the contributing pieces			X <sup>1</sup>		
Unauthorised aids (incl mobile phones) <sup>4</sup>					
Unauthorised aid found on person				X	
Unauthorised aid not on person/couldn't be accessed or seen but causes a disturbance (see Misconduct above)		X			

1. Materials will be marked on the merit of the work that is proven to be the candidate's — copied phrases etc will be discounted
2. All current entries cancelled
3. De-bar lasts for 2 years
4. Including notes, calculators in non-calculator papers, Digital Audio Players (DAP) ie MP3 players or iPods, including devices which store, organise and play digital music/audio files, mobile telephones including mobile, WAP enabled telephones or any other electronic communication device.

# Appendix 2: Example of Investigation Report form

National Qualifications 2010

Date of Issue:

Centre Number:

Centre Name:

Subject Code/Name:

Level:

Candidate(s)

Involved:

Area of Concern:

---

To be completed by the Head of Centre or Designated Contact.

I confirm that all candidates involved have been notified about the above issue and have been given opportunity to comment.

A signed statement from each candidate is enclosed.

The following candidates have not responded to our request to provide information.

Our findings, based on these investigations, are as follows: (attach additional documentation if required):

The candidate(s) have been notified of these findings and have been given further opportunity to comment. All parties are aware that this information will inform the decisions made by SQA regarding any application of penalty.

Signature:.....Date:.....

Position:.....

Please return this form and supporting documentation/evidence to Assessment Arrangements at SQA's Dalkeith offices as soon as possible after the date of issue.

# Appendix 3: Example of Notification of Penalty form

## Part 1: Notification to presenting centre

National Qualifications 2010

Date of Issue:

Centre Number:

Centre Name:

Subject Code/Name:

Level:

Candidate Involved:

Breach of Regulation:

Penalty Details:

---

To be completed by the Head of Centre or Designated Contact. Please note that all areas must be completed.

The candidate(s) involved have been notified of the proposed penalty and have been given opportunity to make a representation to me against the decision. The candidates have also been advised that an Assessment Appeal cannot be submitted on their behalf for the subject(s) where a penalty is applied. (This box must be ticked before you return this form to SQA.)

Do you wish to make any further comment regarding the penalty?

(Attach additional documentation if required.)

Signature:.....Date:.....

Position:.....

Please return this form with the Candidate Form(s) to Assessment Arrangements at SQA's Dalkeith offices as soon as possible after the date of issue.

## Appendix 3 (cont)

### Part 2: Notification to candidate

National Qualifications 2010

Date of Issue:

Centre Number:

Centre Name:

Subject Code/Name:

Level:

Candidate Involved:

Breach of  
Regulation:

Penalty Details:

---

To be completed by candidate:

- I am aware of the application of penalty and have been given opportunity to make a representation to my school/college against the decision. I have also been advised that an Assessment Appeal cannot be submitted on my behalf for the subject(s) concerned.
- I wish to make further comment regarding the penalty. (You must submit any comment to Pearl Hogg, Assessment Arrangements, SQA, Ironmills Road, Dalkeith EH22 1LE within two weeks of receipt of this form.) Please contact Pearl Hogg at SQA on 0131-271 6741 for more information.

Signature:.....Date:.....

You must complete and submit this form within two weeks of receipt to your school/college.