



# **Dealing with malpractice in internally assessed qualifications: Information for centres**

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# 1 Introduction

This document sets out SQA's procedures for dealing with suspected cases of malpractice. These procedures are necessary for maintaining the integrity of SQA's qualifications. The document:

- ◆ defines candidate malpractice and centre malpractice in the context of internally assessed qualifications
- ◆ sets out the responsibilities of SQA and centres in relation to malpractice
- ◆ describes how to proceed in cases where there is reason to suspect malpractice

Our policy on malpractice in internally assessed qualifications is set out in Appendix 1.

The procedures apply to all SQA qualifications, including those that are subject to statutory regulation by SQA Accreditation or Ofqual.

Because SQA is committed to safeguarding its reputation for the quality and credibility of its qualifications, all allegations of malpractice should be investigated consistently, fairly and impartially.

## 2 Definition

The term 'malpractice' covers any deliberate actions, neglect, default or other practice that compromises the assessment process or the integrity of an SQA qualification, the validity of an SQA certificate, or the reputation and credibility of SQA.

Some instances occur because of ignorance of SQA's criteria and procedures, or because of carelessness or forgetfulness in applying them. As this may in itself constitute malpractice, this document covers both misconduct and maladministration.

### Candidate malpractice

You should read SQA's publication [Guide to Assessment](#) for ways of assessing and authenticating candidate evidence to minimise the risk of candidate malpractice.

Malpractice by a candidate in internal assessment can occur in:

- ◆ the preparation and authentication of coursework
- ◆ the presentation of practical work
- ◆ the compilation of portfolios of internal assessment evidence
- ◆ conduct during an internal assessment

The following are examples of candidate malpractice, but you should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications. Examples could 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.
- ◆ Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language.

### Centre malpractice

The following are examples of malpractice, but SQA reserves the right to consider other instances of suspected centre malpractice which may undermine the integrity of our qualifications. They include:

- ◆ Misuse of assessments, including 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 Responsibilities in dealing with malpractice**

SQA expects centres to be vigilant to possible instances of malpractice, and to deal with such cases in an open and fair manner. This includes assisting with our requests for information, and implementing any actions to be taken during and after investigation into a case of malpractice. In the event that a centre fails to comply with our malpractice procedures, SQA will take action to minimise any risk to the integrity of certification. This could include, for example, a 'hold' on certification, or increased monitoring of the centre.

SQA reserves the right to conduct the investigation itself or to nominate a third party to do so on its behalf. This can arise where a centre does not have the capacity to conduct an investigation, or where the issue is very serious.

#### **Advice to centres on dealing with suspected cases of candidate malpractice**

Centres are advised to implement a system and procedure for recording all suspected instances of candidate malpractice, similar to that developed for dealing with complaints and appeals. This information must be available for SQA quality assurance activities on site and/or on request. In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation or Ofqual, centres are required to report any suspected case of malpractice to SQA awarding body.

If your staff suspect there has been candidate malpractice before you submit results to SQA, or before SQA carries out planned quality assurance activities on internal assessment evidence, records and systems, you are advised to:

- ◆ Familiarise yourself with, and follow, SQA's procedures for amending results data and returning certificates. You must tell SQA about invalid certificates immediately.
- ◆ Ensure candidates are aware of your policy on malpractice, their responsibilities, and their rights during and following an investigation into alleged malpractice.
- ◆ Conduct an investigation in accordance with your internal system and procedures.
- ◆ Ensure that candidate results are not submitted to SQA during the course of the investigation.
- ◆ Apply an appropriate action/decision when a case of suspected candidate malpractice has been upheld.
- ◆ Review your internal quality assurance procedures to minimise the risk of further candidate malpractice.
- ◆ Advise SQA to withhold certification for that qualification where the outcome of the investigation merits it.
- ◆ Report the matter to SQA, and to the police immediately if you consider, before or during the investigation, that a malpractice case involves a criminal act.

SQA will try to minimise any disadvantage to candidates in dealing with invalid certification.

You could advise candidates of SQA's policy on malpractice as part of their induction, or by referring to malpractice in the documentation for your appeals process. Candidates should be made aware that they have the right to appeal to a centre to review a malpractice decision.

In conducting an investigation, you are required to retain the following records and documentation for three years. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for five years after the case and any appeal has been heard. Records should include:

- ◆ A report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of candidate malpractice.
- ◆ Written statements from the centre staff and candidates involved.
- ◆ Any work of the candidate and internal assessment or verification records relevant to the investigation.
- ◆ Details of any remedial action you are taking to ensure the integrity of certification now and in the future.

### **SQA's approach to dealing with suspected candidate malpractice found during quality assurance**

If an SQA external verifier or other quality assurance officer suspects candidate malpractice during quality assurance of internal assessment evidence, records and systems, it is your responsibility to:

- ◆ Comply with SQA's request to conduct an investigation in accordance with your centre's internal procedures.
- ◆ Take steps to ensure that candidate results are not submitted to SQA during the course of the investigation.
- ◆ Advise SQA what you consider to be an appropriate action/decision in the case of candidate malpractice.
- ◆ Review internal quality assurance procedures to minimise the risk of further candidate malpractice.
- ◆ Advise SQA to withhold certification permanently where the outcome of the investigation merits it.
- ◆ Report the matter to SQA and the police if the malpractice involves a criminal act.
- ◆ Retain records and original documentation concerning a completed investigation for three years. In an investigation involving a criminal or civil prosecution, records and documentation will be retained for five years after the case and any appeal has been heard.

If SQA considers that the integrity of certification remains at risk following your investigation and/or your decision on the action to take as a result of the investigation, it will conduct its own investigation into the case and advise you of the outcome.

## **SQA's approach to dealing with suspected centre malpractice found during the conduct of quality assurance activities**

If an SQA external verifier or quality assurance officer suspects centre malpractice in the course of carrying out quality assurance activities, SQA will:

- ◆ Bring the matter to the attention of the Head of Centre or their nominee.
- ◆ Require you to conduct an investigation in accordance with your centre's internal procedures, ensuring that the investigation is independent and avoids conflicts of interest which may compromise the investigation.
- ◆ Require you to advise us of what you consider to be an appropriate action.
- ◆ Withhold the issuing of certificates until the conclusion of the investigation — or permanently, where the outcome of the investigation warrants it.
- ◆ Apply an action and/or decision where a case of malpractice has been upheld.
- ◆ Report the matter to the police if a case of malpractice is found to involve a criminal act.
- ◆ Ask you to retain records and original documentation concerning a completed investigation for three years. In an investigation involving a criminal prosecution or civil claim, records and documentation must be retained until the case and any appeal has been heard, and for five years thereafter.

If SQA considers that the integrity of certification remains at risk following your investigation and/or your decision on the action to take as a result of the investigation, it will conduct its own investigation into the case and advise you of the outcome.

You should be aware that, for those qualifications subject to statutory regulation (such as Scottish Vocational Qualifications, National Vocational Qualifications and other qualifications regulated by SQA Accreditation or Ofqual) the accrediting (regulatory) bodies reserve the right to conduct their own investigations.

In a case of alleged fraud or serious threat to the integrity of certification, SQA, as an awarding body, would be obliged to escalate the matter to the appropriate regulatory body. SQA and its centres would be required to co-operate in full, providing information and taking the appropriate action after the regulator's investigation.

Suspected cases of malpractice, including those from a third party, should be advised in writing and reported to:

Qualification Approval and Verification Manager  
SQA  
Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

## 4 Procedures for dealing with allegations of malpractice

The handling of malpractice allegations involves the following phases:

- ◆ allegation
- ◆ SQA's response
- ◆ investigation
- ◆ report
- ◆ decision — role of malpractice panel
- ◆ appeal

### Allegation

SQA's external verifiers and quality assurance staff are instructed to report all suspicions and/or instances of malpractice immediately to SQA. A full account of the incident will be submitted, together with any supporting evidence and an indication of which of the criteria in [SQA's Quality Framework: a guide for centres](#) have been compromised. Appendix 2 is an example of the form submitted by SQA's external verifiers to report suspicions and/or instances of malpractice.

If an SQA external verifier or other quality assurance officer brings a suspected case of malpractice to SQA's attention, the report will include:

- ◆ centre details
- ◆ candidate details (if appropriate)
- ◆ centre staff details (if appropriate)
- ◆ details of the qualifications affected
- ◆ date(s) of suspected malpractice occurred
- ◆ the nature of the suspected malpractice
- ◆ copies of relevant documentation, for example assessment and internal verification records
- ◆ the date
- ◆ signature of Head of Centre or their nominee

SQA reserves the right to conduct the investigation itself or to nominate a third party to do so on its behalf. This can arise where a centre does not have the capacity to conduct an investigation, or where the issue is very serious.

If a suspected case of malpractice is brought to SQA's attention by a third party or 'whistleblower', SQA will take steps to establish the veracity of the alleged case. This will include writing to the third party seeking permission to use their name, to communicate the details of the allegation with the centre, and to find out whether the centre's internal procedures have been exhausted.

If the 'whistleblower' does not grant permission to use their name, and the allegation merits investigation, SQA will advise the 'whistleblower' that the scope

of the investigation may be impaired and that we will seek to preserve their anonymity in bringing the matter to the attention of the Head of Centre or their nominee.

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

In a case of suspected malpractice brought to our attention by an SQA external verifier or other quality assurance officer, we will review their report and decide whether to:

- ◆ Take no further action.
- ◆ Bring the matter to the attention of the Head of Centre or their nominee, asking them to investigate the alleged malpractice and to produce a written report on the outcome.
- ◆ Investigate the matter directly in the case of alleged fraud or in a case of serious threat to the integrity of certification or where a centre does not have the capacity to conduct an investigation. SQA will appoint someone who is independent of the normal day-to-day working relationships with the centre to carry out the investigation.

An example of an Investigation Report Form is shown in Appendix 3. We will accept reports in letter format, provided the same information is included.

## **Investigation**

Where we ask a centre to undertake an investigation, this should be carried out by the Head of Centre or their nominee as quickly as is possible, and should be consistent with a fair and thorough investigation. The investigation of an alleged malpractice should:

- ◆ Establish the facts, circumstances, and scale of the alleged malpractice.
- ◆ Identify and, if necessary, take action to minimise the risk to current candidates and requests for certification.
- ◆ Identify evidence to support any action/decision to be applied.
- ◆ Show that discussions have been conducted with individuals — candidates and/or staff — in accordance with the centre's own policy for conducting enquiries, including the provision of written statements.

## **Report**

After the investigation into the alleged malpractice, the Head of Centre or their nominee should submit a written report on the case to SQA. The report (see Appendix 3 for an example) should be accompanied by the following documentation, as appropriate:

- ◆ A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre.
- ◆ Written statements from the centre staff and candidates involved.

- ◆ Any work of the candidate and internal assessment or verification records relevant to the investigation.
- ◆ In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future.

In those cases where SQA carries out its own investigation, the Head of Centre or their nominee will have an opportunity to comment on the factual accuracy of the investigation report before it is submitted to the Malpractice Panel.

## The decision

### Role of the Malpractice Panel

The Malpractice Panel will be composed of senior members of SQA staff who are experienced in the quality assurance of internal assessment procedures. The members will determine the outcome in cases of suspected malpractice.

All cases of suspected malpractice will be passed to the Malpractice Panel for information. The Malpractice Panel will consider those cases where the centre has not had the capacity to conduct an investigation, or where the issue is very serious, or where SQA considers that the integrity of certification remains at risk following your investigation and/or your decision on the action to take as a result of the investigation.

Members of the Panel are required to be independent of any case of which they have personal knowledge, or in which they might be said to have some interest, and which could lead to an inference that the Panel has 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.

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.

Following its review of the investigation report, the Malpractice Panel will:

- ◆ identify the criteria which it is alleged have been compromised
- ◆ consider the facts of the case
- ◆ advise, **within ten working days**, if the Panel requires more time to consider the case
- ◆ decide, on the facts, whether malpractice has occurred
- ◆ establish who is responsible if criteria have been compromised
- ◆ determine an appropriate level of remedial action to be applied

### Outcome of investigation

In the event of malpractice by a centre, SQA will take the appropriate action to:

- ◆ minimise the risk to the integrity of certification now and in the future
- ◆ maintain public confidence in the delivery and awarding of qualifications

- ◆ discourage others from doing likewise
- ◆ ensure there has been no gain from compromising our standards
- ◆ advise SQA Accreditation or Ofqual of the outcome in the case of vocational qualifications that are subject to statutory regulation

In the event of malpractice by a candidate, SQA will consider the remedial action being taken by centre, and advise on its appropriateness.

SQA's decision to take further action following the outcome of the investigation will be based only on the evidence available. Our decision must be justifiable, reasonable and consistent.

### **Communicating the decision**

SQA will inform the Head of Centre or their nominee of the panel's decision in writing, stating their reasons. SQA will advise on the panel's decision within **ten working days**. The Head of Centre should then communicate the decision to the individuals concerned.

## 5 Appeals against malpractice decisions

### Candidate appeals against malpractice decisions

It is the responsibility of centres to advise candidates they have the right to appeal a decision where a case of malpractice has been upheld. Candidates should be aware of your centre's internal appeals process, and that this includes the right to appeal to SQA awarding body after the centre's internal appeals process has been exhausted.

Candidates have a right to appeal where:

- ◆ the centre has conducted its own investigation and the candidate disagrees with the outcome
- ◆ SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome
- ◆ SQA conducts its own investigation and the candidate disagrees with our decision

For those qualifications that are subject to regulation by SQA Accreditation or Ofqual, your internal appeals process should also advise candidates that they have the right to request a review of the awarding body's process in reaching this decision with the appropriate regulator. The regulator (see Appendix 4) will advise on next steps.

### Centre appeals against SQA malpractice decisions

If a centre disagrees with the Malpractice Panel's decision, it can appeal. The Head of Centre (who may not, in this case, be represented by a nominee) will have the right to appeal.

The Head of Centre should first contact the relevant SQA Manager (see Appendix 4) within **ten working days** of receiving notification of the Malpractice Panel's decision to agree a time to discuss the matter. If, after this discussion, the Head of Centre is not satisfied, an appeal can be raised.

An appeal against a Malpractice Panel's decision must be submitted, in writing, to the Director of Operations by the Head of Centre requesting a review of the decision. The appeal must be submitted within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 4), and should be clearly marked as an appeal.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons for the original decision given by the Malpractice Panel. Any evidence submitted to support this claim must be relevant to the case being made.

The Director of Operations will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision. SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

If the Director of Operations does not change the original decision, the centre has the right to take the case to the SQA Appeals Sub-Committee. An appeal can only be made to the Appeals Sub-Committee when all other relevant forms of enquiry and internal appeal to the relevant Director have been exhausted.

For more information on the remit and arrangements for the Appeals Sub-Committee, see [The Appeals Process: Information for Centres](#).

In addition to the appeals procedure, any formal complaint about SQA's administration of the 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)). This includes raising matters with Scottish Public Service Ombudsman.

For those qualifications that are subject to statutory regulation, such as Scottish Vocational Qualifications, and other qualifications regulated by SQA Accreditation or Ofqual, the Head of Centre has the right to request a review of the awarding body's process in reaching this decision with SQA Accreditation or Ofqual (depending on the qualification).

### **SQA Accreditation**

If writing to SQA Accreditation, the Head of Centre's letter must be addressed to the Head of SQA Accreditation (see Appendix 4) within **ten working days** of the written notification of the Appeals Sub-Committee's decision.

The Head of Accreditation will only conduct the review if the appeals process of SQA awarding body has been followed, and will consider whether due process has been followed by the awarding body in considering the appeal. The review will normally be complete within six to eight weeks of receipt of the Head of Centre's letter. If SQA Accreditation finds that the correct procedures have not been followed, it will direct SQA to reconsider the case.

The Head of Centre's letter to the Head of Accreditation must:

- ◆ be clearly marked as requesting a review by the Head of Accreditation
- ◆ include a written account of why the Head of Centre thinks that the Appeals Sub Committee's decision is wrong
- ◆ specifically address the reasons given by the Appeals Sub-Committee for not upholding the appeal

Any evidence submitted to support the request for review must be relevant to the case.

The Head of Centre will then be advised in writing by the Head of Accreditation of the outcome of the review.

In addition to the review, any formal complaint about SQA Accreditation's administration of the 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)). This includes raising matters with the Scottish Public Service Ombudsman.

### **Ofqual**

In those cases where a Head of Centre believes there has been maladministration by SQA awarding body in any aspect of the appeals process, the Head of Centre has a right to raise this matter with Ofqual.

Ofqual will not get involved in any individual appeals and deals with awarding body maladministration under its complaints procedure, which is published on the Ofqual website ([www.ofqual.gov.uk](http://www.ofqual.gov.uk)). If you wish to make a complaint, the Head of Centre should write to the Customer Relations Team at [info@ofqual.gov.uk](mailto:info@ofqual.gov.uk).

They will advise on next steps.

# Appendix 1: Policy on candidate and centre malpractice for internally assessed qualifications

This policy applies to all qualifications, including those subject to statutory regulation by SQA Accreditation or Ofqual.

## Definition of malpractice

'Malpractice' covers any deliberate actions, neglect, default or other practice that compromises the assessment process or the integrity of a qualification, the validity of a certificate, or the reputation and credibility of SQA.

Some instances occur because of ignorance of SQA's criteria and procedures, or because of carelessness or forgetfulness in applying them. As this may in itself constitute malpractice, this policy covers both misconduct and maladministration.

## Responsibilities in dealing with malpractice

SQA expects centres to be vigilant to possible instances of malpractice and to deal with this in an open and fair manner. This includes assisting with our requests for information, and implementing any actions to be taken during and after investigation into a case of malpractice.

Because SQA is committed to safeguarding its reputation for the quality and credibility of its qualifications, all allegations of malpractice should be investigated consistently, fairly and impartially.

## Retention of records

SQA and centres must retain records and original documentation concerning a completed investigation for three years. In an investigation involving a criminal prosecution or civil claim, records and documentation will be retained for five years after the case and any appeal have been heard.

Note: Centres should refer to SQA's publication on [Candidate Malpractice in Externally Assessed Examinations and Assessments](#) for information on dealing with suspected cases in external assessment.

Note: This policy is aligned with a guidance document [Dealing with significant cases of suspected malpractice by those involved in the delivery of qualifications](#), which reflects a joint agreement between the UK's accrediting (regulatory) bodies in handling cases of malpractice.

## Appendix 2: Evidence requiring further explanation

ERFE form

Verification 2010

Evidence requiring further explanation by centre

Centre name		Centre number
Subject		Product code
Verifier	Senior Verifier	
Date	Date	

Please give specific details of matter requiring further explanation by centre. Please continue on a separate sheet if necessary.

Verification Officer:

Date identified to Officer:

## Appendix 3: Investigation Report Form

Qualification title:

Date of issue:

Centre number:

Centre name:

Unit code(s)/name:

Level:

Candidate(s) involved  
(if appropriate):

Staff involved  
(if appropriate):

Area of concern:

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To be completed by the Head of Centre or designated contact.

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

Where appropriate, a signed statement from each individual is available.

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

The individuals involved have been notified of these findings and have been given further opportunity to comment. All parties are aware that this information will inform the decision made by SQA regarding any application of sanction.

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

Position:.....

Please return this form and supporting documentation/evidence as soon as possible after the date of issue to:

Qualification Approval and Verification Manager  
SQA  
Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

## Appendix 4: Who to contact

### SQA managers

*Your first contact with the relevant SQA manager will be to agree a time to discuss your disagreement with SQA's decision.*

#### Cases of malpractice in HN/Vocational Qualifications

Head of HN/Vocational Qualifications Delivery  
Operations Directorate  
Tel: 0845 213 5198

#### Cases of malpractice in National Qualifications

Head of NQ Delivery: Assessment and Data Services  
Operations Directorate  
Tel: 0131 561 6853

### Head of Accreditation

SQA Accreditation  
SQA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

### Ofqual

Customer Relations  
[info@ofqual.gov.uk](mailto:info@ofqual.gov.uk)

### Corporate Office

SQA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ