



Malpractice: Information for centres

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Contents

1 Introduction	1
Part A: General malpractice information	3
1 Introduction	4
2 Definitions	5
3 Minimising the risk of malpractice	6
4 Working together with SQA	8
Part B: Candidate malpractice	9
1 Introduction	10
2 Candidate malpractice	11
3 Procedure for responding to concerns of candidate malpractice	12
4 Referral to the malpractice panel	18
Part C: Centre malpractice	21
1 Introduction	22
2 Centre malpractice	23
3 Procedure for responding to concerns of centre malpractice	25
4 Referral to the malpractice panel	30
Part D: Appeals against malpractice decisions	33
1 Appeals against decisions about candidate malpractice	34
2 Appeals against decisions about centre malpractice	34
3 Additional appeal procedures — for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales	35
4 Complaints	35
Part E: Retaining records relating to malpractice	36
1 Retaining records relating to malpractice	37
2 Retaining SQA centre malpractice panel decisions	37
3 Retaining SQA candidate malpractice panel decisions	37
Appendix 1: SQA Standards for Devolved Investigations	39
Appendix 2: Examples of penalties for candidate malpractice in SQA external assessments	45

1 Introduction

Now more than ever learners need SQA and partners to work well together in the design and delivery of a portfolio of credible qualifications, with a strong, fair and consistent national standard.

Concerns arising from the delivery, assessment or quality assurance of SQA qualifications can put the credibility of our qualifications at risk, devalue the hard work of our candidates and potentially impact their future success. To avoid this, we will ensure that our processes and qualifications are designed to minimise any potential for malpractice, and it is vital that centres do the same.

SQA is a non-departmental public body sponsored by the Scottish Government's Learning Directorate. Our statutory functions are set out mainly in the Education (Scotland) Act 1996. These include:

- ◆ 'to determine the entitlement of individuals to SQA qualifications and, where a person is so entitled, to award and record such a qualification'; and
- ◆ 'to approve education and training establishments as being suitable for presenting persons for SQA qualifications'

Ensuring fairness of assessment, which includes preventing and addressing malpractice in the design and delivery of our qualifications and assessments, is fundamental to our purpose, and is the cornerstone of the qualifications system on which learners depend.

Where concerns of possible malpractice arise, they must be dealt with, by SQA and by others, sensitively, robustly and above all fairly. These can be difficult situations for the individuals involved. SQA is always focused on maintaining the integrity of certification and ensuring fairness for those involved, particularly any candidates affected. All allegations of malpractice must be investigated consistently, fairly and impartially.

This document:

- ◆ explains SQA's definition of malpractice, giving examples in a range of contexts
- ◆ describes the arrangements that we expect our centres to put in place to minimise the risk of malpractice
- ◆ explains how we expect concerns of malpractice to be handled, if and when they arise

The document is in five main parts:

- ◆ Part A: General malpractice information
- ◆ Part B: Candidate malpractice
- ◆ Part C: Centre malpractice
- ◆ Part D: Appeals against malpractice decisions

◆ Part E: Retaining records relating to malpractice

The information in these five parts explains the particular arrangements that apply to the different types of SQA qualifications, including those that are subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales.

As well as the legislation setting out SQA's statutory functions, we have to be mindful of a range of other legislation that applies when dealing with concerns of malpractice, including legislation relating to information.

Note

Throughout this guide, 'SQA' refers to SQA as an awarding body. When we are referring to SQA's regulatory or accreditation function, we will use 'SQA Accreditation'.

Part A:
General malpractice information

1 Introduction

This part of the document sets out SQA's definition of malpractice by describing what it is and how malpractice can arise. It provides advice and guidance on ways to minimise malpractice, and describes our joint responsibilities with centres to maintain the credibility of SQA qualifications by dealing effectively with malpractice concerns.

SQA requirements

Throughout this document, we refer to SQA requirements, by which we mean a range of general and specific requirements including those described below.

Centres offering SQA qualifications should comply with SQA's Quality Assurance Criteria. These relate to:

- ◆ management of a centre
- ◆ resources
- ◆ candidate support
- ◆ internal assessment and verification
- ◆ external assessment (where relevant)
- ◆ data management

SQA also explains qualification-specific requirements in documents such as unit and course specifications, course assessment specifications, secure assessment tasks, assessment strategies and group award strategies.

2 Definitions

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

- ◆ 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). Examples might include:
 - completing assessment work on behalf of learners; or
 - falsification of information leading to certification
- ◆ Some incidents of malpractice are unintentional. We define unintentional malpractice as 'maladministration', which includes incidents that arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements. Examples might include:
 - seeking approval to offer a new qualification after the deadline for new approval applications has passed; or
 - requesting late certification of learners after a regulated qualification's certification end date

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

It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned. Depending on the circumstances, it may be necessary for either SQA or centres to undertake that investigation. We have explained this further throughout this document.

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 judges there is a risk to the integrity of certification which is not being successfully managed through our regular processes, such as verification.

3 Minimising the risk of malpractice

SQA expects centres to take all reasonable steps to prevent any malpractice.

This includes the development, implementation and monitoring of policies and procedures to minimise any opportunity for malpractice, including in:

- ◆ design of assessments
- ◆ security of assessment materials
- ◆ assessment delivery and completion of assessments
- ◆ quality assurance of assessment
- ◆ authentication of candidate evidence
- ◆ management of candidate assessment data
- ◆ management of the centre's administrative systems

SQA's [Guide to Assessment](#) can help centres to minimise the risk of malpractice by suggesting ways of designing assessments or assessing and authenticating candidate evidence.

Centres need a robust internal quality assurance system, with appropriate internal verification, to enable their management team to identify and take early action to address any concerns about assessment practice. This is also an SQA requirement for centres undertaking internal assessment.

Centres must deal fairly with any concerns of possible candidate or centre malpractice. Centres should develop, implement and monitor procedures to do this, including a documented system and procedure for recording, and where appropriate reporting to SQA, all concerns of possible centre or candidate malpractice. This information must be available for SQA quality assurance activities on site, and/or on request. The SQA documents listed below may help centres in developing these policies and procedures:

- ◆ [Guide to Assessment](#)
- ◆ [Assessment: A Guide for Centres offering Regulated Qualifications](#)
- ◆ [Guidance on conditions of assessment for coursework](#)
- ◆ [Coursework Authenticity: A Guide for Teachers and Lecturers](#)
- ◆ [Systems and Qualification Approval Guide](#)
- ◆ [Systems Verification Criteria: Guidance for Centres](#) (including Appendix A: Enhanced guidance for centres on writing malpractice procedures (criterion 1.5))
- ◆ [Internal verification: A guide for centres](#)
- ◆ [Internal Verification Toolkit \(NQ\)](#)
- ◆ [Internal Verification Toolkit \(HN and vocational qualifications\)](#)
- ◆ [Your Exams](#)
- ◆ [Your Coursework](#)
- ◆ See also Appendix 1 of the present document: [SQA Standards for Devolved Investigations](#).

Centres must be able to demonstrate that they have taken reasonable steps to ensure that candidates understand their responsibilities in relation to malpractice. Centres must also ensure that staff members involved in delivering SQA qualifications are aware of SQA assessment requirements, as well as the malpractice procedures explained in this document, and act accordingly.

Centres should consider including this document as a compulsory part of induction materials for relevant members of staff.

4 Working together with SQA

Even when robust steps are taken to prevent malpractice, it is possible that centres may still face cases of actual or suspected malpractice. SQA expects centres to be vigilant to possible instances of malpractice, and to deal with such concerns in an open and fair manner. This includes assisting with our requests for information, and implementing any actions to be taken during and after a malpractice investigation.

In the event that a centre fails to comply with SQA's procedures, we will take action to minimise any risk to the integrity of certification. The action we take might include suspension of candidate registration, certification and access to SQA systems at the centre, or increased monitoring of the centre.

Bringing concerns of malpractice to SQA's attention at an early stage is part of a robust, proactive and transparent approach to malpractice within a centre. It helps discussions between the centre and SQA on how best to investigate the matter, and how to minimise any risk of delay to candidate certification.

Centres can obtain advice from SQA co-ordinators and local authorities (where applicable), and SQA staff members can advise on development of policies relating to malpractice, or how to deal with a particular concern. Advice can be obtained from:

- ◆ SQA Malpractice and Complaints Team via malpractice@sqa.org.uk
- ◆ Liaison managers and quality enhancement managers

Part B:
Candidate malpractice

1 Introduction

This part of the document explains how SQA will approach concerns of possible candidate malpractice in internal or external assessments, and describes SQA's expectations of centres. It describes how candidate malpractice can occur; provides examples of candidate malpractice; and explains the procedures to be followed when responding to concerns of possible candidate malpractice in internal or external assessment.

It further describes the role of the malpractice panel when dealing with concerns of possible candidate malpractice, and the appeals process against candidate malpractice decisions.

2 Candidate malpractice

Candidate malpractice means any type of [malpractice](#) by a candidate which threatens the integrity of an examination or assessment.

Malpractice by a candidate can occur, for example, in:

- ◆ the preparation and authentication of coursework
- ◆ the preparation or presentation of practical work
- ◆ the compilation of a portfolio of assessment evidence
- ◆ the completion of an examination paper, or the controlled write-up stage of externally assessed coursework
- ◆ conduct during or after an assessment

The following are examples of candidate malpractice, but centres should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications, or other activity by candidates that may amount to candidate malpractice. Examples could include:

- ◆ breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment — including the early and unauthorised removal of a question paper or answer booklet from the examination room
- ◆ breaching the defined conditions of an assessment (eg completing work outside of controlled conditions)
- ◆ collusion — working collaboratively with other candidates beyond what is permitted
- ◆ copying from another candidate
- ◆ frivolous content — producing content that is unrelated to the assessment
- ◆ misconduct — inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language in the examination room.
- ◆ offensive content — content in assessment materials that includes vulgarity and swearing that is outwith the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- ◆ personation — assuming the identity of another candidate, or a candidate having someone assume their identity during an assessment
- ◆ plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own
- ◆ prohibited items — possessing items that candidates must not have with them at their allocated seat in the examination room because they can give an unfair advantage, including (but not restricted to): mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified assessments) — unless approved by SQA as part of an assessment arrangement

3 Procedure for responding to concerns of candidate malpractice

This section explains the steps to be taken by SQA and our centres in responding to concerns of candidate malpractice.

From SQA's perspective, the response to any concern of suspected malpractice may include up to three stages: initial screening, investigation and decision.

The detailed steps to be taken within each of these broad stages, and relative responsibilities for SQA and our centres, may vary depending on the type of assessment affected:

- ◆ **Internal assessment:** an assessment for an SQA qualification where the assessment judgement is made within the centre. Internal assessments are subject to both internal verification by the centre and external verification by SQA. Procedures for dealing with malpractice in internal assessments apply where the assessment is set by SQA but marked by the centre (including e-marking of online assessments).
- ◆ **External assessment:** an assessment set and marked by SQA examiners. Most SQA external assessments relate to our National Qualifications. These procedures will rarely apply to our vocational qualifications, as very few of these have externally-marked elements.

There are some additional requirements where the concern relates to a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales. These regulated qualifications, such as SVQs, assess knowledge, understanding and occupational competence in the workplace. They do not include SQA National Qualifications or Higher National Qualifications. The additional requirements for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales are explained further where relevant.

Internal assessment

SQA requires centres to have policies and procedures to investigate concerns of possible candidate malpractice in internal assessments, and to manage this appropriately within the centre. These policies and procedures should include:

Before the suspected malpractice arises and throughout an investigation

- ◆ ensuring that all candidates and staff are aware of your centre's policies for malpractice, and their responsibilities and rights during and following an investigation into alleged malpractice, including their rights of appeal

When the centre becomes aware of the suspected malpractice

- ◆ ensuring that no candidate results relevant to an investigation are submitted to SQA during the course of the investigation

- ◆ conducting any investigation in accordance with the [SQA Standards for Devolved Investigations](#)

Where malpractice has been established by an investigation

- ◆ applying an appropriate action/decision when a case of suspected candidate malpractice has been upheld
- ◆ reviewing internal quality assurance procedures following malpractice investigations, to minimise the risk of further malpractice, and implementing any required corrective actions
- ◆ retaining appropriate records for the relevant period (see [Part E – Retaining records relating to malpractice](#))

The conduct of the investigation

Candidates who are under investigation for suspected malpractice should be provided with:

- ◆ information about the allegation made against them and the supporting evidence
- ◆ information about the possible consequences if malpractice is established
- ◆ the opportunity to seek advice (if necessary) and the right to be accompanied and supported in any interviews or meetings
- ◆ the opportunity to consider their response to the allegations (if required)
- ◆ the opportunity to submit a written statement
- ◆ a written response providing the candidate with the outcome of the investigation
- ◆ information on the applicable [SQA appeals procedure](#), if a decision is made against them

During an investigation, the conduct of the candidate in other assessments or examinations should not be taken into account in reaching a finding of malpractice. However, if it is established that the candidate has engaged in malpractice, any previous findings of malpractice against the same candidate may be taken into account for the purposes of determining the appropriate penalty.

SQA only expects centres to bring to our attention concerns about candidate malpractice in internal assessments in the following circumstances:

- ◆ the concern came to the centre's attention after submission of internal assessment marks
- ◆ the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales
- ◆ a candidate affected by a centre's candidate malpractice decision has exhausted their right of appeal within the centre, and wishes to exercise their right of appeal to SQA. The right to appeal to SQA is discussed later in this document.
- ◆ there are other exceptional circumstances, for example if the centre believes that the malpractice case involves a criminal act

Additional requirements for candidate malpractice — only for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales

For those qualifications that are subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, centres are required to report any suspected cases of candidate malpractice to SQA. For regulated qualifications, candidate malpractice concerns should be reported promptly to SQA in writing to: gav@sqa.org.uk

The centre must provide SQA with a report of its investigation findings and any recommended actions, supported by relevant documentation. SQA and centres should keep such candidate malpractice investigation records for six years where the investigation relates to these regulated qualifications.

In a case of alleged fraud or serious threat to the integrity of certification for regulated qualifications, SQA, as an awarding body, is required to escalate the matter to the appropriate regulatory body. The centre should be aware that the relevant accrediting (regulatory) body (SQA Accreditation, Ofqual or Qualifications Wales) reserves the right to conduct its own investigation. SQA and our centres would be required to co-operate in full, providing information and taking the appropriate action after the regulator's investigation.

The centre must ensure that candidates and staff are aware of the candidate's additional right to ask the regulator to conduct a review of the case once they have exhausted their right of appeal within the centre.

Centre malpractice concerns arising from candidate malpractice investigations in internal assessments

Where a centre identifies a new concern of possible centre malpractice (for example, excessive direction by assessors) in the course of investigating a concern of candidate malpractice, the [procedures for responding to centre malpractice](#) should be applied. The first steps in these circumstances are for the centre to carry out an initial screening and to report the new centre malpractice concern to SQA.

External assessment

Most SQA external assessments relate to our National Qualifications. These procedures will rarely apply to our Higher National or vocational qualifications as very few of these have externally marked elements.

If your centre identifies a concern that there may have been candidate malpractice in relation to an SQA externally-assessed folio, project, coursework piece or online assessment, the appropriate procedure depends on what stage has been reached:

- ◆ If the assessment materials have not yet been submitted to SQA, you should investigate and resolve the issue in line with your centre or local authority malpractice procedures. The assessment materials should not be submitted to SQA for marking.

- ◆ If the external assessment materials have already been submitted to SQA, you should notify SQA as soon as you have carried out an initial screening exercise to establish the nature of the concerns.

Candidate malpractice in external assessments for National Qualifications

If you identify candidate malpractice concerns with SQA external assessments after the assessment materials have been submitted to SQA, you should report this promptly to SQA in writing or by telephone:

E-mail: investigation.enquiries@sqa.org.uk

Tel: 0345 213 6741

SQA also instructs appointees carrying out external assessment and quality assurance activities for us to highlight any concerns of possible malpractice at the earliest opportunity. There are procedures in place for invigilators, markers, verifiers and other appointees to bring these concerns to our attention.

We will review the information available to evaluate any potential risk to the integrity of certification. We may suspend candidate registration and/or certification as a precautionary measure if this is necessary. We may then ask you to investigate the concerns further within your centre in line with our [Standards for Devolved Investigations](#).

Centre procedures for candidate malpractice investigations (external assessment)

SQA requires centres to have policies and procedures to investigate concerns of possible candidate malpractice appropriately within the centre. These should include:

Before the suspected malpractice arises and throughout an investigation

- ◆ ensuring that all candidates and staff are aware of your centre's policies for malpractice, and their responsibilities and rights during and following an investigation into possible malpractice, including their rights of appeal

When the centre becomes aware of the suspected malpractice

- ◆ where assessment materials have already been submitted to SQA, carrying out an initial screening to establish the nature of the concern and notifying SQA of any concerns of possible malpractice in external assessments immediately afterwards
- ◆ ensuring that no candidate results relevant to an investigation are submitted to SQA during the course of the investigation
- ◆ conducting any investigation in accordance with the [SQA Standards for Devolved Investigations](#)

Conduct of the investigation

Candidates who are under investigation for suspected malpractice should be provided with:

- ◆ information about the allegation made against them and the supporting evidence
- ◆ information about the possible consequences if malpractice is established
- ◆ the opportunity to seek advice (if necessary) and the right to be accompanied and supported in any interviews or meetings
- ◆ the opportunity to consider their response to the allegations (if required)
- ◆ the opportunity to submit a written statement
- ◆ a written response providing the candidate with the outcome of the investigation
- ◆ information on the applicable [SQA appeals procedure](#), if a decision is made against them

During an investigation, the conduct of the candidate in other examinations or assessments should not be taken into account in reaching a finding of malpractice. However, if it is established that the candidate has engaged in malpractice, any previous findings of malpractice against the same candidate may be taken into account by the SQA malpractice panel for the purposes of determining the appropriate penalty.

Following the investigation, a full written report should be provided to SQA, accompanied by supporting documentation as appropriate. The report should include:

- ◆ a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns
- ◆ details of any investigation undertaken by the centre
- ◆ written statements from relevant candidates or staff members, as appropriate
- ◆ details of any mitigating factors
- ◆ candidate seat numbers (if applicable)
- ◆ details of unauthorised material found in the assessment environment
- ◆ any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

There is a tight timetable between completion of these assessments and candidate certification, and centres often have a summer break during this period. These investigations should therefore be completed as quickly as possible. If centres can gather and return information requested by SQA quickly and completely, this will reduce the risk of delayed certification for candidates.

Centres should ensure that their investigation addresses all relevant points and encloses full supporting documentation to reduce the risk of incorrect or delayed candidate certification. Please note that SQA will not consider evidence about a candidate's intent or character as relevant mitigating factors.

It may happen that a centre has not completed a candidate malpractice investigation before the end of term, or that the appeal period against a finding of malpractice may run beyond the end of term. In such cases, SQA will ask the head of centre to nominate an individual to contact over the summer, if required. This will enable SQA

to conclude any incomplete investigations, or to progress any outstanding or new appeals over the summer break.

SQA may seek further clarification of the report. At the conclusion of the investigation, SQA will refer the matter to an [SQA malpractice panel](#).

Centre malpractice concerns arising from candidate malpractice investigations in external assessments

Where a centre identifies a new concern of possible centre malpractice (for example, excessive direction by assessors) in the course of investigating a concern about candidate malpractice, the [procedures for responding to centre malpractice](#) should be applied. The first steps in these circumstances are for the centre to complete any outstanding candidate malpractice documentation with their findings, and carry out an initial screening to report the new centre malpractice concern to SQA. This includes any concerns where the centre has judged that no further action is necessary.

Similarly, where SQA itself, or a nominated third party, identifies a new concern of possible centre malpractice in the course of investigating a concern about candidate malpractice, the procedures for responding to centre malpractice will be applied.

4 Referral to the malpractice panel

The following procedure applies when SQA refers a matter to a malpractice panel.

The malpractice panel is composed of experienced members of SQA staff who have significant expertise in assessment and quality assurance. The panel will determine the outcome in cases of suspected candidate malpractice referred to it by SQA officers leading an investigation. Candidates or representatives from centres cannot attend the meeting of the panel.

SQA officers leading an investigation and members of the panel must be independent. If an SQA officer or panel member has personal knowledge of a case, or could be said to have some interest in it, this could lead to claims that the panel has been biased. In such a case, that SQA officer or panel member will take no part in the discussion of the case, and will not be present when the panel discusses the matter.

To arrive at a decision on a case, the malpractice panel:

- ◆ considers all relevant factors and disregards all irrelevant factors
- ◆ determines whether correct procedures have been followed in the investigation of the case
- ◆ decides whether the panel requires more time or information to consider the case
- ◆ identifies the criteria alleged to have been compromised
- ◆ considers the investigation findings and supporting documents
- ◆ considers any submission made by the candidate who is the subject of the investigation
- ◆ decides, based on the information available, whether malpractice has occurred
- ◆ establishes who is responsible if criteria have been compromised
- ◆ determines an appropriate level of penalty, sanction, or remedial or preventative action to be applied to safeguard the integrity of certification; and
- ◆ issues a written decision, based on its consideration of the facts of the case, giving reasons for the decision

Please note that SQA will not consider evidence about a candidate's alleged intent or character as a relevant factor.

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities (ie that it is more likely than not) that malpractice occurred.

SQA will seek to protect candidates who are caught up in a malpractice incident through no fault of their own. However, where there is evidence of malpractice in the delivery of a qualification, SQA may decline to accept the work of these candidates, to protect the integrity of the qualification for the majority.

Outcome of malpractice panel

In the event of candidate malpractice being identified, SQA's malpractice panel will take 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 engaging in similar malpractice
- ◆ ensure no one has gained from malpractice
- ◆ in dealing with invalid certification, minimise any disadvantage to candidates not found to be at fault; and
- ◆ in the case of vocational qualifications that are subject to regulation, advise SQA Accreditation, Ofqual or Qualifications Wales of the outcome

If SQA decides to take further action following the outcome of the investigation, this will be based only on the relevant available evidence. Penalties may be applied at centre and/or individual level. SQA's decision must be justifiable and proportionate in the circumstances. We discuss the types of action that SQA may take against centres and individuals later in this document.

Where the malpractice panel has made a finding of malpractice, the range of penalties (see also [Appendix 2](#)) includes, but is not limited to:

- ◆ a written warning
- ◆ revision of marks
- ◆ cancellation of components or awards
- ◆ disqualification from future entries
- ◆ revocation of candidate certificates

All penalties must be justifiable, reasonable in 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 cancellation may retake the affected qualification(s) at the next examination diet or available opportunity.

SQA will inform your head of centre or the third party (where appropriate) of the panel's decision in writing, stating its reasons. We will do this within **20 working days** of reaching that decision. Your head of centre or the third party should then communicate the decision to relevant candidates and/or centre staff.

When notified of SQA's decision on the matter (subject to any successful appeal), you should implement any required actions for your centre that we have identified in our decision letter and/or Notification of Penalty Form. This may include passing on to individuals any warnings or notifications of penalties issued by SQA, and returning a completed Notification of Penalty Form to SQA to confirm that candidates have been advised of the decision.

Next steps

Part D of this document explains the procedures for appealing centre and SQA malpractice panel decisions about candidate malpractice. Part E explains how SQA requires centres to retain records relating to malpractice.

Part C:

Centre malpractice

1 Introduction

This part of the document explains how SQA will approach suspected centre malpractice, and describes SQA's expectations of centres. It provides examples of centre malpractice, and describes ways in which suspected centre malpractice can be identified by SQA. It explains the procedures to be followed in responding to concerns of suspected centre malpractice.

SQA requires centres to bring any concerns of centre malpractice to our attention as soon as the centre has carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where the centre has judged that no further action is necessary.

In addition, SQA requires centres to promptly bring to our attention any findings of centre malpractice or maladministration communicated to them by another awarding or industry body. Centres must notify SQA promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal. This will allow us to assess any risk to SQA qualifications offered by the centre.

2 Centre malpractice

Our definition of malpractice is explained fully in part A of this document. Centre malpractice includes any type of [malpractice](#) by a centre, or someone acting on its behalf (for example an assessor). Centre malpractice does not need to be intentional malpractice, and may take place unintentionally by centres (which is sometimes known as maladministration).

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

Whether they are intentional or not, it is necessary to investigate any suspected instances of malpractice to protect the integrity of the qualification and to identify any wider lessons to be learned.

When there are concerns of possible centre malpractice, SQA's approach to investigation is thorough, fair and in proportion to the degree of risk to the integrity of our qualifications. This means it can take some time for investigations to reach a conclusion. Centres can help minimise the time required by responding promptly and fully to any SQA requests for information, access to systems or to speak with centre staff or candidates.

These procedures will be applied where SQA feels there is a risk to the integrity of certification which is not being successfully managed through our regular processes such as verification.

Examples of centre malpractice include (but are not limited to):

- ◆ managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- ◆ deliberate falsification of records in order to claim certificates
- ◆ excessive direction from assessors to candidates on how to meet national standards
- ◆ failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards
- ◆ failure to comply with SQA requirements in the preparation, quality assurance and submission of estimated grade information
- ◆ failure to apply specified SQA assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments, including any amendments to permitted conditions
- ◆ misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- ◆ failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance
- ◆ failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- ◆ failure to comply with SQA requirements in relation to appeals processes

- ◆ insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security
- ◆ failure to comply with requirements for safe retention of candidate evidence, and safe and accurate maintenance of assessment and internal verification records
- ◆ failure to comply with SQA's procedures for managing and transferring accurate candidate data
- ◆ failing to register candidates within a qualification's accreditation period
- ◆ making late registrations to the awarding body for qualifications in their lapsing period
- ◆ requesting late certification of learners after the certification end date
- ◆ for all SQA qualifications, failure by a centre to promptly notify, investigate and report concerns of potential centre malpractice to SQA
- ◆ failure to promptly notify SQA of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation
- ◆ withholding information about circumstances that may compromise the integrity of any SQA qualification or the credibility of SQA
- ◆ failure to notify SQA promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal
- ◆ failure to take action required by SQA or to co-operate with an SQA investigation into concerns of malpractice
- ◆ for qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify, investigate and report to SQA concerns of potential candidate malpractice

Concerns of centre malpractice can come to SQA's attention through various routes, including:

- ◆ notification by a centre that it has identified an internal concern of possible malpractice
- ◆ a direct approach from a concerned candidate, parent/carer, centre employee or member of the public
- ◆ professionals from other centres, awarding organisations or industry bodies concerned that standards are not being applied consistently

SQA also instructs appointees carrying out external assessment and quality assurance activities for SQA to highlight any concerns of possible malpractice at the earliest opportunity. There are procedures in place for invigilators, markers, verifiers and other appointees to bring concerns to SQA's attention.

SQA investigations of potential centre malpractice are evidence-based. SQA's ability to fully investigate concerns of potential centre malpractice will normally depend on the availability of assessment and quality assurance records held by the centre, in line with SQA's evidence retention requirements. Therefore, it is important that centres have policies and procedures in place to allow for investigations to be carried out efficiently and to facilitate SQA's investigations.

3 Procedure for responding to concerns of centre malpractice

This section explains the steps to be taken by SQA and our centres in responding to concerns of centre malpractice, whether these relate to internal or external assessment.

- ◆ **Internal assessment:** an assessment for an SQA qualification where the assessment judgement is made within the centre. Internal assessments are subject to both internal verification by the centre and external verification by SQA. This includes assessments that are externally set, but internally marked as well as the determination within the centre of estimated grade information for SQA qualifications.
- ◆ **External assessment:** an assessment set and marked by SQA examiners. Most SQA external assessments relate to our National Qualifications. These procedures will rarely apply to our vocational qualifications as very few of these have externally marked elements.
- ◆ Where the assessment is set by SQA but marked by the centre (including e-marking of online assessments), procedures for dealing with malpractice in internal assessments apply.

There are some additional requirements where the concern relates to a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales. These regulated qualifications are SVQs and other qualifications that assess knowledge, understanding and occupational competence in the workplace. These do not include SQA National Qualifications or Higher National Qualifications. The additional requirements for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales are explained below on page 29.

Reporting concerns of centre malpractice to SQA

Centres must bring any suspected concerns of centre malpractice to our attention, as soon as they have carried out an initial screening exercise to establish the nature of the concern, in writing or by telephone:

E-mail: malpractice@sqa.org.uk

Tel: 0345 213 5567 / 5930 / 6512

Centres should always notify SQA of suspected centre malpractice and the outcome of any decision made by the centre as a result of its initial screening exercise. This includes any concerns where the centre has judged that no further action is necessary. This notification should be made as soon as possible following the suspected malpractice or outcome of the decision.

In addition, SQA requires centres to promptly bring to our attention any findings of centre malpractice or maladministration communicated to them by another awarding or industry body. This will allow us to assess any risk to SQA qualifications offered by the centre.

Once SQA has been notified of the possible assessment malpractice, SQA's response to any concern of possible assessment malpractice may include up to three stages: initial screening, investigation and decision.

The detailed steps to be taken within each of these broad stages, and relative responsibilities for SQA and our centres, may vary depending on the nature of the malpractice concern, and the type of assessment affected.

Our initial screening

When a concern with assessment practice is brought to SQA's attention, whether by the centre or another source, we will review all the information available to evaluate any potential risk to the integrity of certification. This may include for example previous quality assurance activity, candidate entries and results data, publicly available information about the centre and its staff, and any earlier concerns known to SQA. We may apply a precautionary suspension of candidate registration, certification and/or access to SQA systems if this is necessary.

Where a concern of malpractice is brought to SQA's attention by someone other than the centre, we will take steps to establish the merits of the allegation. This may include:

- ◆ contacting the individual(s) affected (if contact details are provided), seeking permission to use their name(s)
- ◆ sending the details of the allegation to the centre
- ◆ finding out whether relevant internal procedures within the centre have been exhausted

If we do not obtain permission to use the name(s) of the individual(s) affected, and the allegation merits investigation, SQA will advise them that the scope of any 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. SQA manages investigations of potential centre malpractice discreetly, and we will normally discuss the progress and outcome of a centre malpractice investigation only with the head of centre or their nominee.

Where contact details are not available, SQA will evaluate the information received. If the information describes potential malpractice with sufficient clarity, SQA will consider whether further investigation is appropriate.

We will then decide the most appropriate next step, which may include:

- ◆ commissioning the centre to investigate further, in line with the [SQA Standards for Devolved Investigations](#)
- ◆ commissioning a third party to investigate further
- ◆ investigating directly
- ◆ notifying relevant regulators or other government agencies where appropriate

- ◆ informal action
- ◆ no further action

Investigation

Where we decide that further investigation is necessary, we may ask the centre or a third party to investigate on our behalf. The investigation should be completed in line with the [SQA Standards for Devolved Investigations](#).

Centre procedures for centre malpractice investigations

If we ask you to investigate, you should undertake the following actions:

- ◆ Ensure all candidates and staff are aware of your policy on malpractice, their responsibilities, and their rights during and following an investigation into concerns of possible malpractice, such as their rights of appeal.
- ◆ Familiarise yourself with, and follow, SQA's procedures for amending results data and returning certificates. You must tell SQA about invalid certificates immediately.
- ◆ Complete an investigation in accordance with the [SQA Standards for Devolved Investigations](#).
- ◆ Ensure that candidate results relevant to the investigation are not submitted to SQA during the course of the investigation.
- ◆ Provide SQA with a report of your findings and any recommended actions in relation to assessment and quality assurance for SQA qualifications, supported by relevant documentation.
- ◆ Review your internal quality assurance procedures to minimise the risk of future malpractice, and implement any required corrective actions.
- ◆ 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.
- ◆ When notified of SQA's decision on the matter (subject to any successful appeal), implement any required actions for the centre identified in our decision letter.

Individuals who are under investigation for suspected malpractice should be provided with:

- ◆ information about the allegation made against them and information about the evidence there is to support that allegation
- ◆ information about the possible consequences if malpractice is established
- ◆ the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- ◆ appropriate time to consider their response to the allegations (if required)
- ◆ the opportunity to submit a written statement
- ◆ a written response providing the individual(s) with the outcome of the investigation
- ◆ information on any applicable appeals procedure

The full written report provided to SQA should be accompanied by supporting documentation as appropriate, which may include:

- ◆ a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns
- ◆ details of any investigation undertaken by the centre
- ◆ written statements from relevant candidates or staff members as appropriate
- ◆ details of any mitigating factors
- ◆ any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

Including this supporting documentation is important to minimise the time taken to progress SQA's investigation.

Supporting an SQA or third party centre malpractice investigation

We also reserve the right to conduct a malpractice investigation ourselves. We may investigate concerns of malpractice directly in cases where we take the view that a centre does not have the capacity to conduct an investigation, that a centre's interests may impede its ability to carry out a truly impartial investigation, or that the nature of the concern is very serious.

We may also initiate a direct investigation at a later stage if we decide that an investigation led by a centre or third party has not been completed in line with our Standards for Devolved Investigations, or has left questions unanswered.

If we notify you that we have decided to investigate directly, or to ask a third party to investigate on our behalf, you should provide all reasonable assistance and information to enable us or the third party to carry out the investigation. Your head of centre should ensure that SQA officers are provided with all relevant information promptly during the investigation. Withholding information, deliberately or otherwise, may impede SQA's ability to make a fair decision when considering the investigation findings. Your head of centre will be provided with an opportunity to review the investigation findings to comment on their factual accuracy.

These investigations should be completed as quickly as possible, particularly where the concerns of centre malpractice relate to qualifications that are part of the annual diet of certification, or where there has been a precautionary suspension of registration and/or certification. If centres prioritise a complete and timely response to any SQA request for information, this will reduce the risk of delayed certification for candidates. Responses should therefore address all relevant points and enclose complete supporting documentation.

With qualifications within the annual diet of certification, it may happen that a centre has not completed a malpractice investigation before the end of term, or that the appeal period against a finding of malpractice may run beyond the end of term. In such cases, SQA will ask the head of centre to nominate an individual to contact over the break if required. This will enable SQA to conclude any incomplete

investigations, or to progress any outstanding or new appeals over the summer break.

Decision

At the conclusion of the investigation, SQA will make a decision on any further action to take, which might include referral to a malpractice panel. There may be instances where the concern of malpractice falls within the remit of another SQA policy, for instance the financial irregularity policy. In those circumstances, any further action may be taken under that policy and may not necessarily be taken under this policy.

In cases where SQA decides that the investigation should be referred to a malpractice panel, the detailed procedures that apply are explained in the next section of this document (Part C, section 4).

Additional requirements for centre malpractice — only for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales

SQA is required to report concerns of centre malpractice and to provide information relating to our investigation and its outcome to the appropriate regulator.

SQA and centres should keep centre malpractice investigation records, as specified above, for six years where the investigation relates to these regulated qualifications.

In a case of alleged fraud or serious threat to the integrity of certification for regulated qualifications, SQA is required to escalate the matter to the appropriate regulatory body. The centre should be aware that the relevant accrediting (regulatory) body (SQA Accreditation, Ofqual or Qualifications Wales) reserves the right to conduct its own investigation. We ourselves and our centres would be required to cooperate, providing information and taking the appropriate action after the regulator's investigation.

The centre may have an additional right, when they have exhausted their right of appeal to SQA as awarding body, to request the regulator to conduct a review of the case.

4 Referral to the malpractice panel

The following procedure applies when SQA decides to refer a matter to a malpractice panel.

The malpractice panel is composed of experienced members of SQA staff who have significant expertise in assessment and quality assurance. The panel determines the outcome in cases of possible malpractice referred to it by SQA. Representatives from centres cannot attend the meeting of the panel.

SQA officers leading an investigation and members of the panel must be independent. If an SQA officer or panel member has personal knowledge of a case, or could be said to have some interest in it, this could lead to claims that the panel has been biased. In such a case, that SQA officer or panel member will take no part in the discussion of the case, and will not be present when the panel discusses the matter.

To arrive at a decision on a case, the malpractice panel:

- ◆ determines whether correct procedures have been followed in the investigation of the case
- ◆ decides whether the panel requires more time or information to consider the case
- ◆ identifies the criteria alleged to have been compromised
- ◆ considers the investigation findings and supporting documents
- ◆ considers any submission made by the centre that is the subject of the investigation
- ◆ considers any response from the centre where SQA has investigated directly
- ◆ decides, based on the information available, whether malpractice has occurred
- ◆ determines appropriate measures to be applied to safeguard the integrity of certification; and
- ◆ issues a written decision, based on its consideration of the facts of the case, giving reasons for the decision

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities (ie that it is more likely than not) that malpractice occurred.

Outcome of malpractice panel

In the event of malpractice being identified, SQA's malpractice panel will take 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 engaging in similar malpractice
- ◆ ensure no one has gained from malpractice
- ◆ in dealing with invalid certification, minimise any disadvantage to candidates not found to be at fault
- ◆ in the case of vocational qualifications that are subject to regulation, advise SQA Accreditation, Ofqual or Qualifications Wales of the outcome
- ◆ if appropriate, share information about our investigation with other public bodies (for example skills funding bodies) or regulators

If SQA decides to take further action following the outcome of the investigation, this will be based only on the relevant available evidence. Measures to safeguard the integrity of certification may be applied at centre level. 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 there is evidence of malpractice in the delivery of a qualification, SQA may decline to accept the work of the candidates to protect the integrity of the qualification for the majority.

Furthermore, in order to maintain the integrity of certification, a finding of centre malpractice related to assessment may also exceptionally lead to adjustments to candidate results, or to marks that may, in turn, affect provisional or certificated awards.

SQA's decision must be justifiable and proportionate in the circumstances.

Where the malpractice panel has made a finding of centre malpractice, the range of measures to safeguard the integrity of certification includes, but is not limited to:

- ◆ a written warning
- ◆ additional support or development activity
- ◆ a requirement that the centre prepares an action plan and provides updates to give assurance that potential for future malpractice has been minimised
- ◆ additional external quality assurance activity
- ◆ application of required actions to enable certification to proceed
- ◆ withdrawal of approval to offer specific qualifications
- ◆ withdrawal of centre approval status
- ◆ requirement for re-assessment of candidate(s)
- ◆ exceptionally, amendment to candidate results and/or revocation of certificates.

SQA will inform your head of centre or the third party of the panel's decision in writing, stating its reasons. We will do this within **20 working days** of reaching that decision. Your head of centre or the third party should then communicate the decision to relevant candidates and/or centre staff.

A finding of centre malpractice is, by definition, only ever made in respect of a centre. This finding does not represent a judgement on the performance or conduct of an individual teacher or assessor. Any employment, disciplinary procedures or referrals to professional regulators (for example General Teaching Council for Scotland) in relation to individual conduct are matters to be considered by an individual's employer, and not SQA.

The head of centre should take cognisance of the panel decision, taking further appropriate action as they deem necessary, and/or as SQA may require.

Next steps

Part D of this document explains the procedures for appealing SQA malpractice panel decisions about centre malpractice. Part E explains how SQA requires centres to retain records relating to malpractice.

**Part D:
Appeals against malpractice
decisions**

1 Appeals against decisions about candidate malpractice

It is the responsibility of centres to advise candidates that they have the right to appeal a decision where a concern of candidate 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 after the centre's internal appeals process has been exhausted.

Candidates, or their authorised representatives, have a right to appeal to SQA where:

- ◆ the centre has conducted its own investigation and the candidate disagrees with the outcome, and the centre's internal appeals process has been exhausted
- ◆ SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome, and the centre's internal appeals process has been exhausted
- ◆ an SQA malpractice panel finds that candidate malpractice has been identified and the candidate disagrees

The available grounds for appeal and procedures to be followed are described in SQA's [The Appeals Process: Information for Centres](#).

2 Appeals against decisions about centre malpractice

If a centre disagrees with a finding of centre malpractice, it can appeal. The head of centre (who may not, in this case, be represented by a nominee) will have the right to appeal.

A finding of centre malpractice is, by definition, only ever made in respect of a centre. This finding does not represent a judgement on the performance or conduct of an individual teacher or assessor. It follows that an individual teacher or assessor (other than the head of centre acting on behalf of the centre) cannot appeal against a finding of centre malpractice. The right to appeal is held by the centre against which the finding has been made. Should an individual teacher or assessor have concerns about a finding of centre malpractice, this matter should be resolved and discussed within the centre.

The available grounds for appeal and procedures to be followed are described in SQA's [The Appeals Process: Information for Centres](#).

3 Additional appeal procedures — for qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales

Regulated qualifications

For those qualifications that are subject to regulation, such as Scottish Vocational Qualifications, and other qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales, centres and candidates have the right to request a review of the awarding body's process in reaching their decision from (depending on the qualification) SQA Accreditation, Ofqual or Qualifications Wales.

The procedures to be followed for each regulator are described in SQA's [The Appeals Process: Information for Centres](#).

4 Complaints

Following the conclusion of an SQA appeals process, any formal complaint about SQA's administration of the case can be submitted according to the SQA Awarding Body Complaints Handling Procedure that is described on our website (www.sqa.org.uk). This can include raising matters with the Scottish Public Service Ombudsman, following the conclusion of SQA's Awarding Body Complaints Handling Procedure.

**Part E:
Retaining records relating to
malpractice**

1 Retaining records relating to malpractice

This part of the document explains how SQA will retain records about malpractice, and our expectations that centres keep these records for a period of time.

Records retention

In conducting an investigation, centres and others (for example local authorities) are required to retain the following records and documentation for three years, or six years if the investigation relates to vocational qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales. We may ask to see these records. 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 malpractice
- ◆ written statements from the centre staff and candidates involved — these should normally be signed by the writer and dated
- ◆ any work of the candidate(s) and internal assessment or verification records relevant to the investigation
- ◆ details of any remedial action you have identified as necessary to ensure the integrity of certification now and in the future

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 is in any doubt about whether criminal or civil proceedings will take place, it should keep records for the full six-year period.

2 Retaining SQA centre malpractice panel decisions

SQA will retain a record of decisions by its centre malpractice panel for six years after conclusion of the investigation and any appeal, to inform future centre approval and quality assurance decisions.

3 Retaining SQA candidate malpractice panel decisions

SQA will retain a record of decisions by its candidate malpractice panel where a penalty has been applied for six years after conclusion of the investigation and any appeal, to inform future quality assurance decisions.

Data Protection

When centres engage with issues around malpractice, they may be subject to data protection law.

Centres conducting investigations and engaging with concerns of malpractice should comply with data protection law in their jurisdiction.

SQA is not responsible for the data processing and/or management practices of any centres, or for ensuring compliance with the data protection law that applies to a centre in their particular jurisdiction. If a centre is liable for non-compliance in their jurisdiction with relevant data protection law for any reason (including in respect of this SQA policy), SQA will not be liable for any loss or damage arising from that non-compliance.

Appendix 1: SQA Standards for Devolved Investigations

Introduction

When SQA receives information about potential malpractice by a centre or candidate, it will decide whether an investigation is required and whether that investigation should be led by SQA, by the centre or some other body (such as a local authority education department). An investigation carried out by anyone other than SQA is known as a devolved investigation.

This part of the document sets out SQA's expectations of devolved investigations. It explains the principles and high-level steps that apply to the investigation process and to which SQA adheres when carrying out its own investigations. Where possible, external bodies should have regard to these standards in carrying out their investigations, to assist SQA in making suitable findings in cases of suspected malpractice.

The investigation process is an important part of SQA's procedure for dealing with concerns about potential malpractice. SQA has a parallel internal procedure for investigations which it will apply in cases where it takes the lead in investigations.

Principles

Following these standards in practice will lead to a structured approach and ensure that the investigations are:

- ◆ focused
- ◆ impartial and unbiased
- ◆ proportionate to the nature of the issue under investigation
- ◆ robust and thorough
- ◆ evidence-based
- ◆ conducted with discretion
- ◆ fair to all involved; and
- ◆ carried out in compliance with the law and relevant regulations

High-level steps

We recommend that every investigation should follow the three high-level steps illustrated below: preparation; information-gathering; evaluation and reporting.



These standards go through each step in turn and set out the best-practice approach to ensure a good investigation outcome.

To ensure consistency throughout this process, it is advisable to appoint a lead investigator who is responsible for the overall management of the investigation. Depending on the scale of the investigation, the lead investigator may need assistance from others, particularly at the information gathering stage. The lead investigator should hold a senior role, and have no personal interest in the outcome of the investigation.

Preparation

It is important for the lead investigator to understand from the outset what the scope of the investigation is and to understand their role in conducting an impartial and transparent investigation. The first step in any investigation will be to define the terms of reference. Before starting the substantive investigation, the lead investigator should:

- ◆ identify the source and content of the information giving rise to the concern
- ◆ identify any rule, criterion or procedure that may have been breached, and the nature of the possible breach
- ◆ determine the scope of the investigation, ie what will be included and what will be excluded from the investigation — this does not mean that any new information about potential malpractice discovered during the course of the investigation should be ignored
- ◆ plan the investigation, by working out what information will be needed to prove or disprove the facts that are the subject of the investigation, and making a list of potential witnesses to speak to
- ◆ assess whether there are any particularly sensitive or confidential documents or other information that will form part of the investigation, and put in place suitable measures to protect them
- ◆ consider whether any additional resources (eg other staff, technical or subject experts, or IT equipment) will be needed to assist with the investigation
- ◆ fix a target timetable for the investigation, taking account of any timescales set by SQA for reporting investigation findings

The aims of the lead investigator will be to:

- ◆ establish what should have happened in the circumstances (eg which procedure should have been followed, which criterion should have been applied)
- ◆ establish what did in fact happen in the particular circumstances
- ◆ identify any urgent actions that the centre should take to address any immediate risks to the integrity of certification
- ◆ if what did happen differs from what should have happened, establish any reasons for that; and
- ◆ consider whether there are any measures that would reduce the chances of such a difference occurring again

Information and evidence gathering

It is important that supporting evidence is gathered in order to ensure that any findings reached and decisions made are based on evidence. Key types of information in malpractice investigations include:

- ◆ **Witnesses** — this is likely to be the most important branch of evidence. Witnesses can include the individual(s) making an allegation, any person(s) alleged to be at fault through breach of a procedure or criterion, or other eyewitnesses to key events. In addition to these witnesses, who can speak to the particular facts of the case, witnesses may also take the form of subject experts providing an opinion on what should have happened in the circumstances.
- ◆ **Documentary evidence** — review of documents may also form a significant part of the investigation. Examples include candidate work, and internal assessment or verification records. It is important to keep a record of when and where each document was received, ideally in a single evidence log. The lead investigator should bear in mind that some documents may not ‘speak for themselves’ and a witness may need to explain the document.
- ◆ **Technical analysis** — the lead investigator may need information about online or other IT systems, or data held in them, and may need technical support to get access to this, or they may need input from an expert (such as an experienced teacher or verifier in the particular subject).

Witness interviews

As witness evidence will almost always play a central part in any investigation, the lead investigator should make every effort to speak to witnesses directly and conduct formal interviews, rather than simply requesting written statements. SQA recognises that this may not be the most suitable approach for all witnesses. For example, different approaches might be appropriate when speaking with staff members or candidates.

Whatever the format of the interview, it is important to plan the questions and general approach in advance in light of any information already known. Care should be taken to prepare focused questions to ensure that the interview process is as helpful as possible. Our suggested best-practice procedure at interviews is as follows:

- ◆ the interviewer (in most circumstances, the lead investigator) should where possible be accompanied by a note-taker
- ◆ the interviewee should be offered the opportunity to be accompanied by an observer
- ◆ the interviewee should be told that they have no obligation to attend the interview or to answer questions
- ◆ the interviewer should explain to the witness broadly what the interview will be about
- ◆ the interviewer should explain the purpose and planned structure of the meeting

- ◆ the interviewer should explain what will be done with the information given by the witness
- ◆ the witness should be asked not to discuss their interview with anyone else

Where the witness is suspected of wrong-doing, they should be given fair notice of the allegation against them and the evidence of wrong-doing. It is sensible to leave this type of interview until last if there are several witnesses to speak to, so that the full case can be put to the person(s) believed to be responsible for any malpractice.

After every interview, the lead investigator/assistant should prepare a written statement based on their notes from the interview. This should be a clear and accurate account of what the witness said and should be written in the first person, using the witness's own words and avoiding jargon. Dates and names should be provided where possible. The statement should have a logical structure and (if it is lengthy) be split into sections with appropriate headings. The witness should be given the opportunity to confirm and sign the statement, or to clarify, correct or amend the statement to ensure that it accurately reflects their recollection or understanding. If the witness wishes to make an amendment, but this does not match the investigator's recollection, this will be recorded.

Evaluation and reporting

Once all possible relevant evidence has been gathered, and any queries clarified, the lead investigator should assess the relevance, reliability and credibility of the available information from all sources. It is helpful at this stage to refer back to the terms of reference prepared at the outset of the investigation.

The lead investigator's role is to consider whether there has been any malpractice (as defined in part A). In most cases this will mean identifying whether or not SQA assessment requirements have been fully and properly applied in the matter at hand.

The lead investigator will need to reach a balanced conclusion based on the evidence he/she has obtained, and prepare an investigation report. Where there are contradictions in the evidence, the lead investigator should decide what is the most likely version of events based on the available evidence, and should document the reasons for this view in the investigation report. For more complex investigations, it can be helpful to prepare a timeline or chronology of events.

The investigation report should follow a logical structure and use clear, simple language. It should set out (using headings, where appropriate):

- ◆ the reason for and background to the investigation
- ◆ a summary of the approach to the investigation
- ◆ a description of the evidence considered (identifying interviews and documents, key points arising from each, and highlighting any inconsistencies)
- ◆ the lead investigator's findings, based on the evidence, identifying the nature and implications of any malpractice identified; and
- ◆ any mitigating factors that seem relevant to the lead investigator

Copies of supporting evidence (such as key witness statements or documentary evidence) should be appended to the report. In some cases, the lead investigator may decide to make recommendations for remedial action to ensure the integrity of certification now and in the future.

SQA will then consider the report, supporting evidence and other available information in reaching its conclusion as to whether malpractice has been identified and any appropriate action to be taken to protect the integrity of certification. SQA may approach the centre for further information, if it is deemed necessary.

Investigation Dos and Don'ts

- ◆ **Do** prepare the investigation process in advance. This will lead to a more thorough and robust investigation, which addresses all relevant issues and excludes reference to irrelevant factors.
- ◆ **Do** try to take formal witness statements rather than relying on statements witnesses have written themselves. The process of interviewing a witness is a good way of exploring potential inconsistencies in a witness's version of events. The role of the lead investigator is to verify what witnesses say and assess the credibility of their evidence, based on other information gathered as part of the investigation.
- ◆ **Do** present witness evidence in a consistent way, ie statements written in the first person and in a sufficient level of detail.
- ◆ **Do** make use of suitable resources, such as technical or subject experts where appropriate.
- ◆ **Do** provide all relevant supporting documents with the investigation report.
- ◆ **Do** prepare a full investigation report for SQA which makes findings based on the information gathered.
- ◆ **Do** be balanced in your approach to the investigation and in reporting findings to SQA. The overriding consideration should always be to maintain the integrity of the qualification.
- ◆ **Do** consider, and refer to in the final report, appropriate internal policies on quality assurance, and SQA guidelines or procedures such as internal verification systems. It is also helpful to note any relevant findings in recent external verification reports.
- ◆ If malpractice is established, **do** make appropriate recommendations as to how the centre can reduce the risk of recurrence in the future.
- ◆ **Don't** jump to conclusions at an early stage in the investigation. Wait until all relevant evidence has been gathered, assessed and put to the witnesses before forming a definitive view on what happened.
- ◆ **Don't** take any shortcuts in the investigation. For example, don't fail to speak to witnesses in person because you presume that you already know what they're going to say.
- ◆ **Don't** ignore any new issues raised during the investigation which might indicate malpractice.

- ◆ In the final report, **don't** simply refer to the information gathered in the investigation without making an assessment or drawing conclusions.
- ◆ **Don't** present contradictory pieces of evidence or versions of events without indicating which one the lead investigator prefers and why.

Appendix 2: Examples of penalties for candidate malpractice in SQA external assessments

Please note that these examples are provided for illustrative purposes only. They do not set a precedent or limit SQA's discretion in determining the appropriate penalty to apply in individual cases.

Category	Warning	Warning with revision of marks	Cancel component or award	De-bar
Assessment conditions				
Breach of assessment conditions		X	X	
Collusion				
Significant amount copied in one or more of the contributing pieces			X	
Candidate shared his/her own work with another candidate	X			
Candidates worked collaboratively in one or more of the contributing pieces		X	X	
Frivolous content				
Significant amount	X		X	
Minor amount	X			
Misconduct				
Causes disturbance/disruption	X		X	
Abusive and/or aggressive behaviour			X	
Offensive content				
Discriminatory content — any amount	X		X	
Significant amount — non-discriminatory			X	
Minor amount — non-discriminatory	X			
Personation				
Identities proven			X ¹	X ²
Plagiarism				
Significant amount of plagiarism in one or more of the contributing pieces		X	X	
Prohibited items (including mobile phone)				
Prohibited item at candidate's allocated seat in exam room			X	

1 All current entries cancelled.

2 De-bar lasts for two years — SQA will not accept any future entries for the candidate for two years following the application of the de-bar penalty.