



Quality Assurance for Higher National and Vocational Qualifications 2015–18

Enhanced guidance to centres on writing malpractice in assessment procedures criterion 1.5

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

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Introduction to your procedures

Your procedures must make clear what is meant by malpractice. They must cover both candidate and centre malpractice and state that all cases of malpractice in assessment (by candidates or centre staff) will be investigated and acted on.

State how you will disseminate this information to candidates (eg through induction, handbooks, student advice centre, administration office).

You may wish to include this information within a broader assessment policy. If you deliver qualifications with external assessment, you may have a separate section or separate procedure on malpractice in external assessment.

More information is available in SQA's document "Malpractice: Information for Centres" (2017) http://www.sqa.org.uk/sqa/files_ccc/MalpracticeInformationForCentres.pdf

Candidate malpractice

Examples of candidate malpractice include:

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

Centre malpractice

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

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

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

Malpractice can arise for a variety of reasons:

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

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

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

Where SQA becomes aware of concerns of possible malpractice, its approach will be fair, robust and proportionate to the nature of the concern. These procedures will be applied where SQA's view is that there is a risk to the integrity of certification, which is not being successfully managed through our regular processes.

Examples include:

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

Reporting suspected malpractice

State how staff in your organisation can report suspected malpractice:

- ◆ by candidates
- ◆ by other members of staff

Also state how candidates can report suspected malpractice:

- ◆ by other candidates
- ◆ by members of staff

Indicate to whom suspected malpractice should be communicated.

Investigating suspected malpractice

State that your organisation will investigate all cases of suspected malpractice. Explain how this will be done, for example:

- ◆ Who will conduct investigations (eg head of relevant department, independent manager, quality manager)?
- ◆ How will investigations be conducted (eg reviewing assessment evidence and records, seeking second opinion from an internal verifier, interviewing other candidates or members of staff)?

Communicating outcomes of investigations

State how you will communicate the outcomes of investigations into suspected malpractice to:

- ◆ the candidate or member of staff under investigation
- ◆ other interested parties (eg assessor, tutor, head of department, data management staff dealing with results, line manager of member of staff)

This should be in writing. You may wish to state a timescale for this.

Reporting malpractice to SQA

Your malpractice procedures must include the following requirements and state who will take responsibility for them:

Any suspected cases of centre malpractice must be reported to SQA.

In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation or Ofqual, centres are required to report any suspected case of candidate malpractice to SQA.

The matter must also be reported to the police if the malpractice involves a criminal act.

Actions and sanctions if malpractice is proven

State that any actions to be taken as a result of malpractice being proven through investigation will be specified clearly in the written feedback on the outcome of the investigation.

It may be appropriate to move to candidate or staff disciplinary procedures at this stage.

You should also give examples of potential sanctions, which may vary in the level of severity depending on the circumstances and seriousness of the malpractice, eg ranging from having to re-sit one assessment to exclusion from a course.

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

Appeals against malpractice decisions

Candidates and staff should have the right to appeal any malpractice decision against them. For your organisation, state how and to whom appeals should be submitted. Include realistic timescales for this.

State how appeals will be dealt with and the outcome communicated. Include realistic timescales for this.

In addition, where malpractice is investigated by SQA, decisions can be appealed. We recommend the following standard wording for inclusion in your procedure:

Centres have the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by SQA.

Centres also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to SQA.

Candidates have the right to appeal to SQA where:

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

For regulated qualifications only:

Candidates and centres have the right to request a review by the appropriate regulator (SQA Accreditation or Ofqual) of the awarding body's process in reaching a decision in an appeal of a malpractice decision for qualifications subject to regulation.

Please refer to: [The Appeals Process: Information for centres](#)

Record retention

You must keep records of investigations of suspected malpractice and the outcomes of these. Your procedures should state the following requirements:

Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for three years. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for five years.

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