



# Malpractice: Information for Centres

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# 1 Introduction

It is really important that SQA, our centres and other key partners work together to protect the credibility of the qualifications system. Concerns that assessment standards may not be applied consistently can put the value of our qualifications at risk, and negate the hard work of our candidates. 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 Education and Skills department. Our statutory functions are set out 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 assessment malpractice arise, they must be dealt with sensitively, robustly and above all fairly, by SQA and by others. 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; and
- ◆ explains how we expect concerns of malpractice to be handled, if and when they arise

The document is in four main parts:

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

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

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.

## **Freedom of information**

SQA is a Scottish public authority listed in Schedule 1 to the Freedom of Information (Scotland) Act 2002. We are required to consider information requests we receive under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (subject to any exemptions that might apply).

## **Data protection**

SQA will be a data controller in respect of much of the information we hold in the course of an investigation. We will ensure that any sharing of personal data in the course of an investigation complies with the Data Protection Act 1998, the Information Commissioner's Data Sharing Code of Practice, and our Data Protection Policy.

## **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 how we can minimise malpractice and describes our joint responsibilities in dealing with malpractice concerns to maintain the credibility of SQA qualifications.

## 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 2015–18](#). 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, unit and course assessment specifications, secure assessment tasks, assessment strategies and group award strategies.

## 2 Definition

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.

### 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 relation to:

- ◆ design of assessments
- ◆ security of assessment materials
- ◆ assessment delivery and completion of assessments
- ◆ authentication of candidate evidence; and
- ◆ management of candidate assessment data

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

A robust internal quality assurance system with appropriate internal verification is necessary to enable management teams in centres to identify and take early action to address any concerns around assessment practice. It is also an SQA requirement for any centres undertaking internal assessment. The development, implementation and monitoring of policies is necessary in relation to:

- ◆ quality assurance of assessment approach and judgements; and
- ◆ management of assessment records

Centres must develop, implement and monitor procedures for dealing with concerns of candidate or centre malpractice fairly. Centres should implement a documented system and procedure for recording, and reporting where appropriate, all suspected instances of 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*
- ◆ *Coursework Authenticity: a guide for teachers and lecturers*
- ◆ *Systems and Qualification Approval Guide*
- ◆ *Guide to Systems Verification*
- ◆ *Internal Verification Toolkit*
- ◆ *Your Exams*
- ◆ *Your Coursework*
- ◆ *Enhanced guidance to centres on writing malpractice in internal assessment procedures*
- ◆ [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 using this document as a compulsory part of induction 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. This might include suspension of candidate certification or increased monitoring of the centre.

Bringing concerns of malpractice to SQA's attention at an early stage demonstrates a robust, proactive and transparent approach to malpractice within the centre. It is helpful in enabling a discussion between the centre and SQA to identify the best approach to investigate further, and which will provide the best chance of minimising any risk of delay to candidate certification. In addition to advice from SQA co-ordinators and local authorities (where applicable), SQA staff members can offer advice to centres about development of policies relating to malpractice, or the best treatment of a particular concern. Advice can be obtained from:

- ◆ SQA Malpractice and Complaints Team
- ◆ Liaison managers and quality enhancement managers

**Part B:**  
**Candidate malpractice**

# 1 Introduction

This part of the document explains how SQA will approach suspected candidate malpractice in internal or external assessment, 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 suspected candidate malpractice relating to either internal assessment or external assessment.

It further describes the role of the malpractice panel when dealing with concerns of suspected 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; and
- ◆ conduct during or after an 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:

- ◆ Collusion with others when an assessment must be completed by individual candidates.
- ◆ Copying from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- ◆ Frivolous content — producing content that is unrelated to the assessment.
- ◆ Misconduct — inappropriate behaviour in an assessment room that causes disruption to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment 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 — physical possession of prohibited materials (including mobile phones, electronic devices and handwritten notes etc) during a controlled assessment.
- ◆ Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment.

### 3 Procedure to respond 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. This includes assessments which are externally set, but internally marked.
- ◆ **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. 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).

There are some additional requirements where the concern relates to a qualification regulated by SQA Accreditation or Ofqual. These regulated qualifications are SVQs and other qualifications which 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 or Ofqual are explained further where relevant.

#### Candidate malpractice in internal assessment

SQA requires centres to have policies and procedures in place to ensure that concerns of possible candidate malpractice in internal assessments are investigated and managed appropriately within the centre. This should include:

- ◆ ensuring that all candidates and staff are aware of your centre's policies for malpractice, their responsibilities and their rights during and following an investigation into alleged malpractice, for example their rights of appeal
- ◆ 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 your internal systems and procedures and the SQA Standards for Devolved Investigations
- ◆ applying an appropriate action/decision when any 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

Individual candidates 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 should malpractice be established
- ◆ the opportunity to seek advice (as 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
- ◆ information on the applicable SQA appeals procedure, should a decision be 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, any previous findings of malpractice against the same candidate may be taken into account for the purposes of determining the appropriate sanction.

SQA expects centres to bring candidate malpractice concerns for internal assessments to our attention only if:

- ◆ 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 or Ofqual
- ◆ any candidate affected by a centre's candidate malpractice decision, having exhausted their right of appeal within the centre, wishes to exercise their right of appeal to SQA; or
- ◆ there are other exceptional circumstances, eg the centre believes that the malpractice case involves a criminal act

### **Records retention**

In conducting an investigation, centres are required to retain the following records and documentation for three years. 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 centre malpractice
- ◆ written statements from the centre staff and candidates involved — these should normally be signed by the interviewee(s) 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.

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 when 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.

Where SQA investigates a concern of malpractice directly, the head of centre will be provided with an opportunity to review the investigation findings to comment on their factual accuracy.

### **Centre malpractice concerns arising from candidate malpractice investigations**

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.

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

#### **Additional requirements for candidate malpractice — only for qualifications regulated by SQA Accreditation or Ofqual**

For those qualifications that are subject to regulation by SQA Accreditation or Ofqual, 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](mailto:gav@sqa.org.uk)

The centre must provide a report of its investigation findings and any recommended actions, supported by relevant documentation, to SQA.



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 or Ofqual) reserves the right to conduct their own investigation. We 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 candidates' additional right, when they have exhausted their right of appeal within the centre, to request the regulator to conduct a review of the case.

## **Candidate malpractice in 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 malpractice in relation to an SQA externally assessed folio/ project/ coursework piece/ online assessment, before the assessment materials have been submitted to SQA, you should investigate and resolve this in line with your centre procedures.

If your centre identifies a concern that there may have been malpractice in relation to an SQA external assessment where 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**

Candidate malpractice concerns for SQA external assessments identified after affected materials have been submitted to SQA should be reported promptly to SQA in writing or by telephone:

E-mail: [Investigation.enquiries@sqa.org.uk](mailto:Investigation.enquiries@sqa.org.uk)

Tel: 0345 213 6741

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

We will review the information available to evaluate any potential risk to the integrity of certification. We may apply a precautionary suspension of certification if this is necessary. We may then ask you to [investigate](#) the concerns further within your

centre. We also reserve the right to conduct a malpractice investigation ourselves or to ask a third party to investigate on our behalf. 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 it may be difficult for a centre 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 when 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 concerns of malpractice 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 conclude the investigation. This applies whether the concerns were brought to our attention by your centre or another source.

Where SQA investigates a concern of malpractice directly, the head of centre will be provided with an opportunity to review the investigation findings to comment on their factual accuracy. The matter will be considered by an [SQA malpractice panel](#).

### **Centre procedures for candidate malpractice investigations (external assessment)**

SQA requires centres to have policies and procedures in place to ensure that concerns of possible candidate malpractice are investigated appropriately within the centre. This should include:

- ◆ ensuring that all candidates and staff are aware of your policies for malpractice, their responsibilities and their rights during and following an investigation into alleged malpractice, for example their rights of appeal
- ◆ notifying SQA of any concerns of possible malpractice in external assessments where the materials have already been submitted to SQA, as soon as you have carried out an initial screening to establish the nature of the concern
- ◆ ensuring that no candidate results relevant to the investigation are submitted to SQA during the course of the investigation
- ◆ conducting any investigation in accordance with your internal systems and procedures and the [SQA Standards for Devolved Investigations](#)

Individual candidates 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 should malpractice be established
- ◆ the opportunity to seek advice (as 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

- ◆ information on the applicable [SQA appeals procedure](#), should a decision be 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 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 sanction.

A full written report should be provided to SQA, 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
- ◆ candidate seat numbers (if applicable)
- ◆ details of unauthorised material found in the controlled assessment
- ◆ any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

It is particularly important for National Qualifications external assessments that the report is provided to SQA as quickly as possible, to minimise the risk of incorrect or delayed candidate certification.

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

### **Records retention**

In conducting an investigation, centres are required to retain the following records and documentation for three years. 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 centre malpractice
- ◆ written statements from the centre staff and candidates involved — these should normally be signed by the interviewee(s) 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 any doubt about whether criminal or civil proceedings will take place, it should keep records for the full six-year period.

### **Centre malpractice concerns arising from candidate malpractice investigations**

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.

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

## **4 Referral to the malpractice panel**

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

The malpractice panel will be composed of experienced members of SQA staff who have significant expertise in assessment and quality assurance matters. The members will determine the outcome in cases of suspected candidate malpractice referred to the panel by SQA officers leading the investigation. Neither candidates nor representatives from centres will be permitted to attend the meeting of the panel.

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. Where this is not the case, the matter will be referred back for further investigation.

Following its review of the investigation report and other available information, the malpractice panel will:

- ◆ identify the criteria alleged to have been compromised
- ◆ use an evidence-based approach to consider the facts of the case
- ◆ consider any response from the centre where SQA has investigated directly
- ◆ decide whether the panel requires more time or information to consider the case
- ◆ decide based on the information available whether malpractice has occurred
- ◆ establish who is responsible if criteria have been compromised; and
- ◆ determine an appropriate level of penalty, sanction, remedial or preventative action to be applied

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities that the concern of candidate malpractice is substantiated. This means that the panel must be satisfied it is more likely than not that malpractice occurred.

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.

### **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 doing likewise
- ◆ ensure there has been no gain from compromising our standards
- ◆ minimise any disadvantage to candidates not found to be at fault, in dealing with invalid certification; and
- ◆ advise SQA Accreditation or Ofqual of the outcome in the case of vocational qualifications that are subject to regulation

SQA's decision to take further action following the outcome of the investigation will be based only on the evidence available. Sanctions may be applied at centre and/or individual level. SQA's decision must be justifiable, proportionate and consistent.

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

- ◆ a written warning
- ◆ revision of marks
- ◆ cancellation of awards
- ◆ disqualification from future entries

All penalties must be justifiable, reasonable in their scale and consistent in their application. Unless a penalty is accompanied by a bar on future entry, all candidates penalised by loss of marks or cancellation may retake the qualifications affected at the next examinations diet.

SQA will inform the head of centre or third party (where appropriate) of the panel's decision in writing, stating their reasons. SQA will advise on the panel's decision within **20 working days** of reaching that decision. The head of centre or 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 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 malpractice for candidates.

## **Part C: Centre malpractice**

# 1 Introduction

This part of the document explains how SQA will approach suspected centre malpractice in internal or external assessment, 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 suspected 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.



## 2 Centre malpractice

Centre malpractice means any type of [malpractice](#) by a centre, or someone acting on its behalf (for example an assessor), which threatens the integrity of an examination or assessment.

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

- ◆ Managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award.
- ◆ 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 apply specified SQA assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments.
- ◆ Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- ◆ Insecure storage of assessment instruments, materials and marking instructions.
- ◆ 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.
- ◆ Deliberate falsification of records in order to claim certificates.
- ◆ For all SQA qualifications, failure by a centre to notify, investigate and report to SQA allegations of suspected centre malpractice.
- ◆ Failure to take action as required by SQA or to co-operate with an SQA investigation in relation to concerns of malpractice.
- ◆ For qualifications subject to regulation by SQA Accreditation or Ofqual, failure by a centre to notify, investigate and report to SQA allegations of suspected candidate malpractice.
- ◆ Deliberately withholding information about circumstances which may compromise the integrity of any SQA qualification and/or credibility of SQA.

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

- ◆ notification by a centre that has identified an internal concern of possible malpractice
- ◆ a direct approach from a concerned candidate, parent or centre employee; or
- ◆ teaching professionals from other centres concerned that standards are not being applied consistently

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

### 3 Procedure to respond 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 it relates 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 which are externally set, but internally marked.
- ◆ **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. 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).

There are some additional requirements where the concern relates to a qualification regulated by SQA Accreditation or Ofqual. These regulated qualifications are SVQs and other qualifications which 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 or Ofqual are explained further where relevant.

#### Reporting concerns of centre malpractice to SQA

SQA requires centres to bring any suspected 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, in writing or by telephone:

E-mail: [malpractice@sqa.org.uk](mailto:malpractice@sqa.org.uk)

Tel: 0345 213 5363/ 5567

From SQA's perspective, the response to any concern of 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

At the point where a concern around 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, and any earlier concerns known to SQA. We may apply a precautionary suspension of certification 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) (if contact details are provided) seeking permission to use their name(s), communicating the details of the allegation with the centre, and finding out whether any relevant internal procedures within the centre have been exhausted.

If the concerned individual does not grant permission to use their name, 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 or their delegate.

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 ourselves
- ◆ notifying relevant regulators or other government agencies where appropriate
- ◆ informal action; or
- ◆ 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 in which case 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, then 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 alleged malpractice, for example 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 your internal system and procedures and 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 a report of your findings and any recommended actions, supported by relevant documentation, to SQA.
- ◆ 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 should malpractice be established
- ◆ the opportunity to seek advice (as 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
- ◆ 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

### **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 conclude the investigation. The head of centre will be provided with an opportunity to review the investigation findings to comment on their factual accuracy.

## Records retention

In conducting an investigation, centres and others are required to retain the following records and documentation for three years. 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 centre malpractice
- ◆ written statements from the centre staff and candidates involved — these should normally be signed by the interviewee(s) 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.

## 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. The decision of whether or not to refer a matter to the malpractice panel will be informed by:

- ◆ the seriousness of the allegation of malpractice
- ◆ the ability of SQA to make a decision, based on the investigation and available evidence, as to whether or not malpractice has occurred; and
- ◆ the extent to which any residual risk to the integrity of certification remains following the investigation and any action taken as a result

A decision to determine the outcome of the investigation without a referral to a malpractice panel may be made in cases where we are satisfied that there is no residual risk to the assessment process, the integrity of the qualification, the validity of an SQA certificate, or the reputation and credibility of SQA.

If the decision is taken not to refer the matter to a malpractice panel, we will decide what (if any) further action is appropriate in the circumstances. The range of options available to us includes (but is not limited to):

- ◆ taking no further action; or
- ◆ requiring the centre to carry out a review of its internal policies or procedures for dealing with malpractice

SQA will try to minimise any disadvantage to candidates where it has been judged that certification would not be safe to proceed.

The head of centre will be notified of the outcome in writing following the conclusion of the investigation and will be given reasons for any further action taken. The rules on appealing against malpractice decisions do not apply in these circumstances.

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

**Additional requirements for centre malpractice — only for qualifications regulated by SQA Accreditation or Ofqual**

SQA is required to report concerns of centre malpractice and the outcome of any investigation to the appropriate regulator.

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 or Ofqual) reserves the right to conduct their own investigation. We 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 staff are aware of their additional right, when they have exhausted their right of appeal within the centre, to request the regulator to conduct a review of the case.

## 4 Referral to the malpractice panel

The following procedure will apply in the event that SQA decides to refer a matter to a malpractice panel.

The malpractice panel will be composed of experienced members of SQA staff who have significant expertise in assessment and quality assurance matters. The members will determine the outcome in cases of suspected malpractice referred to the panel by SQA. Representatives from centres will not be permitted to attend the meeting of the panel.

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. Where this is not the case, the matter will be referred back for further investigation.

Following its review of the investigation report and other available information, the malpractice panel will:

- ◆ identify the criteria alleged to have been compromised
- ◆ use an evidence-based approach to consider the facts of the case
- ◆ consider any response from the centre where SQA has investigated directly
- ◆ decide whether the panel requires more time or information to consider the case
- ◆ decide based on the information available whether malpractice has occurred
- ◆ establish who is responsible if criteria have been compromised; and
- ◆ determine an appropriate level of penalty, sanction, remedial or preventative action to be applied

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities that the concern of malpractice is substantiated. This means that the panel must be satisfied it is more likely than not that malpractice occurred. 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.



## 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 doing likewise
- ◆ ensure there has been no gain from compromising our standards
- ◆ minimise any disadvantage to candidates not found to be at fault, in dealing with invalid certification; and
- ◆ advise SQA Accreditation or Ofqual of the outcome in the case of vocational qualifications that are subject to regulation

SQA's decision to take further action following the outcome of the investigation will be based only on the evidence available. Sanctions may be applied at centre level. SQA's decision must be justifiable, proportionate and consistent.

Where the malpractice panel has made a finding of malpractice, the range of sanctions includes, but is not limited to:

- ◆ a written warning
- ◆ application of required actions to enable certification to proceed
- ◆ withdrawal of approval to offer specific qualifications
- ◆ withdrawal of centre approval status

SQA will inform the head of centre or third party of the panel's decision in writing, stating their reasons. SQA will advise on the panel's decision within **20 working days** of reaching that decision. The head of centre or third party should then communicate the decision to relevant candidates and/or centre staff.

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

## **Next steps**

Part D of this document explains the procedures for appealing SQA malpractice panel decisions about centre malpractice.

**Part D:  
Appeals against malpractice  
decisions**

# 1 Appeals against decisions about candidate malpractice

It is the responsibility of centres to advise candidates 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 have a right to appeal to SQA where:

- ◆ the centre has conducted its own investigation and the candidate disagrees with the outcome, where 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, where the centre's internal appeals process has been exhausted; or
- ◆ SQA conducts its own investigation and the candidate disagrees with our decision

The tables below illustrate the different types of appeals and considerations to be made when submitting an appeal against a candidate malpractice decision to SQA.

Type of appeal	Considerations
<p>A candidate appeal against the outcome of a centre investigation into candidate malpractice</p>	<p>Candidate appeals against the outcome of a centre investigation must:</p> <ul style="list-style-type: none"> <li>◆ only be considered by SQA after the centre's internal appeals process has been exhausted</li> <li>◆ be submitted, in writing, to an SQA director within 15 working days of being notified of the decision</li> <li>◆ be sent to the Corporate Office at SQA's Glasgow office (The Optima Building, 58 Robertson Street, Glasgow G2 8DQ) and <b>should be clearly marked as an appeal</b></li> <li>◆ include a written account of why the candidate thinks that the centre's decision is wrong, and</li> <li>◆ address the reasons for the original decision given by the centre</li> </ul> <p>Any evidence submitted to support this claim must be relevant to the case being made.</p>
<p>The SQA director responsible for considering the appeal may seek additional information to assist their review of the case. They will respond in writing, giving SQA's decision within <b>15 working days</b> 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 candidate informed of progress. The outcome of this appeal is final.</p>	

Type of appeal	Considerations
<p>A candidate appeal against an SQA malpractice panel's decision of candidate malpractice</p>	<p>Candidate appeals against SQA malpractice panel decisions must:</p> <ul style="list-style-type: none"> <li>◆ be submitted, in writing, to an SQA director within 15 working days of being notified of the decision by decision letter and/or Notification of Penalty Form</li> <li>◆ be presented by the centre, the candidate or their authorised representative directly</li> <li>◆ be sent to the Corporate Office at SQA's Glasgow office (The Optima Building, 58 Robertson Street, Glasgow G2 8DQ) and <b>should be clearly marked as an appeal</b></li> <li>◆ include a written account of why the centre and/or candidate thinks that SQA's decision is wrong; and</li> <li>◆ address the reasons for the original decision given by the malpractice panel</li> </ul> <p>Any evidence submitted to support this claim must be relevant to the case being made.</p>
<p>The SQA director responsible for considering the appeal may seek additional information to assist their review of the case. They will respond in writing, giving SQA's decision within <b>15 working days</b> 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 appellant informed of progress.</p> <p>If the SQA director does not change the original decision, the centre and/or candidate may have 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, or where the centre and/or candidate believes that there has been procedural irregularity in SQA's handling of the case.</p> <p>For more information on the appeals process, including the remit and arrangements for the appeals sub-committee, see <a href="#">The Appeals Process: Information for Centres</a>.</p>	

## 2 Appeals against decisions about centre malpractice

If a centre disagrees with the malpractice panel's finding of 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.

The head of centre should first contact the relevant SQA manager within **10 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 with an SQA director who was not involved in the malpractice panel's decision.

The table below illustrates the appeals process and considerations to be made when submitting an appeal against a centre malpractice decision to SQA

Type of appeal	Considerations
<p>A centre appeal against a malpractice decision by an SQA malpractice panel</p>	<p>Centre appeals against decisions by an SQA malpractice panel must:</p> <ul style="list-style-type: none"> <li>◆ be submitted, in writing, to an SQA director by the head of centre requesting a review of the decision</li> <li>◆ must be submitted within <b>10 working days</b> of the date of the discussion with the SQA manager</li> <li>◆ be sent to the Corporate Office at SQA's Glasgow office and <b>should be clearly marked as an appeal</b></li> <li>◆ include a written account of why the head of centre thinks that SQA's decision is wrong; and</li> <li>◆ address the reasons for the original decision given by the malpractice panel</li> </ul> <p>Any evidence submitted to support this claim must be relevant to the case being made.</p>
<p>The SQA director responsible for considering the appeal will respond in writing, giving SQA's decision within <b>15 working days</b> 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.</p> <p>If the SQA director does not change the original decision, the centre may have 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the case.</p> <p>For more information on the appeals process including the remit and arrangements for the appeals sub-committee, see <a href="#">The Appeals Process: Information for Centres</a>.</p>	

### **3 Additional appeal procedures — only for qualifications regulated by SQA Accreditation or Ofqual**

#### **Regulated qualifications**

For those qualifications that are subject to regulation, such as Scottish Vocational Qualifications, and other qualifications regulated by SQA Accreditation or Ofqual, centres and candidates have 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**

In the event that the head of centre or a candidate is unhappy with the outcome of SQA's (the awarding body's) appeals process for a regulated qualification, they can write to SQA Accreditation and ask for a review of the appeals process applied to reach the appeal decision.

Additionally, in those cases where a head of centre or a candidate believes there has been maladministration by SQA (as awarding body) in any aspect of an appeal, the head of centre has a right to raise this matter with SQA Accreditation.

The head of centre or candidate's letter must be submitted to SQA Accreditation within **10 working days** of receiving the written notification of SQA awarding body's final decision on the outcome of the appeal.

In a case of alleged maladministration, eg failure to conclude the matter within a reasonable period of time, the letter must include a written account of the alleged failure of SQA's internal processes, with specific details.

SQA Accreditation will only conduct the review if SQA's appeals process has been exhausted, and will consider whether due process has been followed by the awarding body in considering the appeal. The review will normally be completed within six to eight weeks of receipt of the head of centre or candidate's letter. SQA Accreditation is unable to overturn academic decisions or judgements. 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 SQA Accreditation must:

- ◆ be clearly marked as requesting a review by SQA Accreditation
- ◆ include a written account of why the head of centre thinks that SQA's final appeal decision is wrong; and
- ◆ specifically address the reasons given by SQA for not upholding the appeal

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

The head of centre's letter must be sent to:

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

The head of centre or candidate will then be advised in writing by SQA 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 SQA Accreditation Complaints Handling Procedure, which can be downloaded from the SQA Accreditation [website](#). This includes raising matters with the Scottish Public Service Ombudsman.

## **Ofqual**

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

Ofqual can be contacted using the e-mail address below:

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

Ofqual will not get involved in any individual appeals. It 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, you should write to the Customer Relations Team at [info@ofqual.gov.uk](mailto:info@ofqual.gov.uk), who will advise on next steps.



## **4 Complaints**

Following the conclusion of any 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 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.

# Appendix 1: SQA Standards for Devolved Investigations

## Introduction

When SQA receives information about potential malpractice by a centre or candidate, a decision will be made about whether an investigation is required and whether that investigation should be led by SQA or 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 in devolved investigations. It explains the principles and high level steps which apply to the investigation process and which SQA adheres to in 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 malpractice. SQA has a parallel, detailed 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 high level steps illustrated below.



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 will be 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 be independent of the subject of the investigation.

## Preparation

It is important for the lead investigator to understand from the outset what the scope of the investigation is. 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, criteria or procedure that may have been breached, and the nature of the possible breach
- ◆ determine what the scope of the investigation should be, ie what will be included and what will be excluded from the investigation — this doesn't mean that any new information about potential malpractice discovered during the course of the investigation should be ignored
- ◆ plan out the investigation, by working out what information will be needed to prove or disprove the facts which 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 those
- ◆ 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, including timescales for sending a report to SQA

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 criteria 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

Key types of investigation 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, the person(s) believed to be at fault in breach of a procedure or criteria, or other eye-witnesses to key events. In addition to 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 or 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 there may need to be a witness to explain the document.
- ◆ **Technical analysis** — the lead investigator may need intelligence 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 them 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 or general approach in advance in light of any information already known. Care should be taken to prepare targeted, focused questions to ensure that the interview process is as valuable 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 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; and
- ◆ the witness should be asked not to discuss their interview with anyone else

Where the witness is suspected of wrong-doing, they must be given fair notice of the allegation against them and evidence of wrong-doing put to them. 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, use the witness's own words and avoid 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.

## **Evaluation and reporting**

Once all possible relevant evidence has been gathered, and any queries clarified, the lead investigator must 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 1). 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, 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 significant inconsistencies)
- ◆ the lead investigator's findings, based on the evidence, identifying the nature and implications of any malpractice identified; and
- ◆ any mitigating factors which 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 information available to it in reaching its conclusion as to whether malpractice has been identified and any appropriate action to be taken to protect the integrity of certification.

#### **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 test 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 the approach to the investigation and in reporting findings to SQA. The overriding consideration must always be to maintain the integrity of the qualification.
- ◆ **Do** consider and refer to appropriate internal policies on quality assurance and SQA guidelines or procedures in the final report, 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 intends to 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.
- ◆ **Don't** simply refer to the information gathered in the investigation in the final report 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 bind SQA's discretion in determining the appropriate sanction to apply in individual cases.

Category	No further action	Warning	Warning with revision of marks	Cancel	De-bar
<b>Collusion</b>					
Significant amount copied in one or more of the contributing pieces				X	
Candidate shared his/her own work with another candidate		X			
<b>Frivolous content</b>					
Significant amount		X		X	
Minor amount		X			
<b>Misconduct</b>					
Causes disturbance/disruption		X		X	
Refuses to leave exam room when instructed				X	
Abusive and/or aggressive behaviour				X	
<b>Offensive content</b>					

<b>Category</b>	<b>No further action</b>	<b>Warning</b>	<b>Warning with revision of marks</b>	<b>Cancel</b>	<b>De-bar</b>
Discriminatory content — any amount		X		X	
Significant amount — non-discriminatory				X	
Minor amount — non-discriminatory		X			
<b>Personation</b>					
Identities proven				X <sup>1</sup>	X <sup>2</sup>
Identities cannot be proven	X				
<b>Plagiarism</b>					
Significant amount of plagiarism in one or more of the contributing pieces				X	
<b>Prohibited items (including mobile phones)<sup>3</sup></b>					
Prohibited item on person				X	
Prohibited item not on person and couldn't be accessed or seen		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.

3 Including notes, calculators in non-calculator papers, digital audio players, eg MP3 players or iPods, including devices which store, organise or play digital music/audio files or any electronic device including but not limited to mobiles or other devices capable of accessing the internet — unless these have been approved by SQA as part of the candidate's assessment arrangements.