

UCM SUSPECTED MALPRACTICE POLICY AND PROCEDURES 2024

The Ulster College of Music is an approved JCQ Centre and is committed to ensuring that the exams management and administration process is run effectively and efficiently and in compliance with the published JCQ Regulations (the Regulations) and awarding body requirements.

Instances of malpractice arise for a variety of reasons, including:

- intentional aim to give an unfair advantage in an examination or assessment
- ignorance of the Regulations, carelessness or forgetfulness in applying the Regulations
- as a direct result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the exam is disrupted).

The individuals involved in malpractice are also varied. They may be:

- candidates
- tutors, assessors or others responsible for the conduct, the administration or the quality assurance of examinations and assessments including Examination Officers and Invigilators
- assessment personnel such as examiners, assessors, moderators or internal and external verifiers
- other third parties, e.g. parents/carers, siblings, friends of the candidate.

Malpractice

'Malpractice' which includes maladministration and non-compliance with the Regulations, means any act, default or practice which is a breach of the Regulations. Failure by a JCQ Centre to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in itself. Also, failure to take action as required by an awarding body, as detailed in this document, or to co-operate with an awarding body's investigation, constitutes malpractice.

The Head of Centre is the Chairperson of the Management Committee (ie the Trustees) and is accountable to the awarding bodies for ensuring that the Centre is always compliant with the published JCQ regulations and awarding body requirements in order to ensure the security and integrity of the examinations/assessments.

Responsibilities of the Head of Centre

1. The Head of Centre must notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in coursework or non-examination assessments before the authentication forms have been signed by the candidate.

Malpractice by a candidate in a controlled assessment, coursework or non-examination assessment component discovered prior to the candidate signing the declaration of authentication need not be reported to the awarding body, but must be dealt with in accordance with the UCM Controlled Assessment Policy. The only exception to this is where the awarding body's confidential assessment material has been breached. The breach must be reported to the awarding body.

If staff malpractice is discovered in coursework or non-examination assessments, the Head of Centre must inform the awarding body immediately, regardless of whether the authentication forms have been signed by the candidate(s).

2. S/he must complete **Form JCQ/M1** (suspected candidate malpractice) or **Form JCQ/M2a** (suspected malpractice/maladministration involving Centre staff) to notify the awarding body/bodies whose qualifications are involved in an incident of malpractice. **Each form is available from the JCQ website <http://www.jcq.org.uk/examsoffice/malpractice>** Notifications in letter format will be accepted providing the information given covers the same points as Form JCQ/M1 or JCQ/M2a.
3. S/he must supervise personally, and as directed by the awarding body, all investigations resulting from an allegation of malpractice unless the investigation is being led by the awarding body or another party.
4. S/he must ensure that, if it is necessary to delegate an investigation to a senior member of Centre staff, the chosen person is independent and not connected to the department or candidate involved in the suspected malpractice. The Head of Centre should ensure there is no conflict of interest which can otherwise compromise the investigation.
5. S/he must respond without delay to all requests for an investigation into an allegation of malpractice. This is in the best interests of Centre staff, candidates and any others involved.
6. S/he must make available information as requested by an awarding body without delay.
7. S/he must co-operate with an enquiry into an allegation of malpractice and ensure their staff do so without delay, whether the Centre is directly involved in the case or not.
8. S/he must inform staff members and candidates of their individual responsibilities and rights as set out in this Policy and Procedures.
9. S/he must forward any awarding body correspondence and evidence to Centre staff and/or provide staff contact information to enable the awarding body to do so.
10. S/he must pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

Procedures for dealing with allegations of malpractice

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

1. The allegation
2. The awarding body's response
3. The investigation
4. The Report
5. The decision

Communication

- Awarding bodies will normally communicate with the Head of Centre regarding allegations of malpractice, except when the Head of Centre or management of the Centre is under investigation. In such cases, communications may be with another person nominated to investigate the matter by the relevant awarding body.
- Awarding bodies may communicate directly with members of Centre staff if the circumstances warrant this, e.g. the staff member is no longer employed or engaged by the Centre.
- Awarding bodies will only communicate directly with a candidate or the candidate's representative when either the candidate is a private candidate, or the awarding body has chosen to communicate directly with the candidate due to the circumstances of the case.
- In the case of notifications of suspected malpractice received from examiners, moderators, monitors, external verifiers, the regulators or members of the public, (including informants) the awarding body will consider the information provided and may decide to ask the Head of Centre, or another suitably qualified individual, to conduct a full investigation into the alleged malpractice and to submit a written report.

1. The allegation

Allegations of malpractice may be reported to awarding bodies by the Head of Centre, examiners, employers, Centre staff, regulators, funding agencies, candidates, other awarding bodies and members of the public. Sometimes these reports are anonymous.

Where a candidate is being disruptive, the **invigilator** must warn the candidate that he/ she may be removed from the examination room. The candidate must also be warned that the awarding body will be informed and may decide to penalise them, which could include disqualification.

Wherever possible, the invigilator should remove and keep any unauthorised material that a candidate may have in the examination. If necessary, the invigilator should summon assistance.

The invigilator must record what has happened.

Form **JCQ/M1** (suspected candidate malpractice) or Form **JCQ/M2a** (suspected malpractice/maladministration involving centre staff) must be used to notify an awarding body of an incident of malpractice. Each form is available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice> or from the UCM Office.

2. The awarding body's response

The awarding body will consider the information provided and decide to:

- take no further action; or
- ask the Head of Centre, or another suitably qualified individual, to conduct a full investigation into the alleged malpractice and to submit a written report; or
- investigate the matter directly.

3. The investigation

It will normally be expected that investigations into allegations of malpractice will be carried out by the Head of Centre. S/he must deal with the investigation in accordance with the deadlines and requirements set by the awarding body.

Those responsible for conducting an investigation should seek evidence from which the full facts and circumstances of any alleged malpractice can be established. It should not be assumed that because an allegation has been made, it is true.

If UCM is reporting and investigating the suspected malpractice, the UCM must:

- provide the accused individual(s) with a completed copy of the form or letter used to notify the awarding body of the malpractice
- advise them that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedures can be found on the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>
- let them know what evidence there is to support the allegation
- ensure they know the possible consequences should malpractice be proven
- give them the opportunity to consider their response to the allegations (if required)
- give them an opportunity to submit a written statement
- give them the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee, a Committee composed of internal and/or external members experienced in examination and assessment procedures or a named individual member or members of awarding body staff. The Malpractice Committee may be assisted by an awarding body member of staff who has not been directly involved in the investigation.
- inform them of the applicable appeals procedure, should a decision be made against him or her
- inform them of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.

The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied, for example by a solicitor, parent, friend or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview. In particular s/he is not to answer questions on the interviewee's behalf. The awarding body and/or UCM will not be liable for any professional fees incurred.

The Head of Centre is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement.

4. The Report

After investigating an allegation of candidate malpractice, or gathering evidence for a staff malpractice investigation, the Head of Centre must submit a full written Report of the case to the relevant awarding body.

The Report should be accompanied by the following documentation, as appropriate:

- statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the Centre
- the evidence relevant to the allegation, such as written statement(s) from the teacher(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved
- written statement(s) from the candidate(s)
- any exculpatory evidence and/or mitigating factors
- information about the UCM's procedures for advising candidates and Centre staff of the awarding bodies' regulations (see 3 above)
- seating plans showing the exact position of candidates in the examination room
- unauthorised material found in the examination room or photographs of material which cannot be submitted to an awarding body
- any candidate work and any associated material (e.g. source material for coursework) which is relevant to the investigation
- any teaching resources/material relevant to the investigation.

Form JCQ/M1 or Form JCQ/M2b should be used as the basis of the Report.

The forms are available from the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice> or from the UCM Office.

Reports in letter format will be accepted provided the information given covers the same points as the form.

The awarding body will decide whether there is evidence of malpractice on the basis of the Report and any supporting documentation.

5. The Decision

In straightforward cases, where the evidence is not contested or in doubt, awarding bodies may invoke a summary procedure which is a sanction or sanctions which may be applied and notified to an individual or the UCM following consideration of the case by an awarding body member of staff. (See https://www.jcq.org.uk/wp-content/uploads/2023/02/Malpractice_Feb23_v1.pdf, section 6.3)

Sanctions for candidates range from a warning to losing marks, disqualification from units to disqualification from all qualification in the series or for a set time period.

Sanctions for staff range from a warning to suspension.

Sanctions against UCM could result in extra inspections or the withdrawal of Centre recognition.

It is the responsibility of the Head of Centre to communicate the decision to the individuals concerned and to pass on details of any sanctions/penalties and action in cases where this is indicated.

The Council for Curriculum, Examinations and Assessment (CCEA) does not allow appeals against malpractice decisions.

13 March 2024