



Malpractice Policy *December 2023. Reviewed by Rachel Jones*

Introduction

Incidents of malpractice can potentially lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to PACT. It is, therefore, desirable to prevent malpractice from occurring, whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice should be dealt with quickly, thoroughly and effectively.

This policy applies to internal and external summative assessments, assignments and examinations and their reporting.

It is the responsibility of all PACT staff to be vigilant with regard to any events which may lead to malpractice occurring, and report promptly to the Head of Quality and Moderation where they suspect malpractice has and /or may occur so that appropriate action can be taken to address this with immediate effect.

The Head of Quality and Moderation is responsible for notifying relevant awarding bodies (ABTC) of cases of suspected / actual malpractice to ensure the appropriate action may be taken.

PACT will minimise or eliminate the risk of malpractice through a range of approaches which include but are not limited to:

- Ensuring that the design of qualifications reduces, as far as reasonably possible, the opportunity for malpractice to occur.
- Providing clear processes for the administration of qualifications which reduce, as far as reasonably possible, the opportunity for malpractice to occur.

- Issuing clear and robust guidance documents on all aspects of the delivery and administration of all qualifications.
- Monitoring social media, where appropriate, for any indication of malpractice.
- Monitoring data, including entry data, to identify patterns, trends, double entering and any other information that points to suspected malpractice.
- Reviewing proven cases of malpractice to analyse what, if anything, the awarding organisation(s) should learn from the occurrence.

Examples of Malpractice by Learners

This list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

- plagiarism of any nature;
- collusion by working collaboratively with other learners to produce work that is submitted as individual learner work;
- copying (including the use of ICT to aid copying);
- fabrication of results or evidence;
- false declaration of authenticity in relation to the contents of a portfolio or coursework;
- impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment, examination, test;
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room;
- inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature;
- Unauthorised aids – physical possession of unauthorised materials (including mobile phones, MP3 players, notes, etc) in the examination room.

Examples of Malpractice by Staff

This list is not exhaustive and other instances of malpractice may be considered by this centre at its discretion:

- improper assistance to candidates;
- inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made;
- failure to keep candidate coursework/portfolios of evidence secure;
- fraudulent claims for certificates;
- inappropriate retention of certificates;
- assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves centre staff producing work for the learner;
- producing falsified witness statements, for example for evidence the learner has not generated;
- allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner' assignment / task / portfolio /coursework;
- facilitating and allowing impersonation;
- misusing the conditions for special learner requirements, for example where learner are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment;
- falsifying records/certificates, for example by alteration, substitution, or by fraud;

- fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment;
- failure to comply with awarding body procedures for managing and transferring accurate learner data.

When investigating cases PACT will adhere to the following:

Confidentiality - by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).

Impartiality - investigations will be undertaken by a senior manager and assessed against the specific facts/evidence of the case in arriving at a decision about intention and culpability.

Rights of individuals - where an individual is suspected of malpractice they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed. The appeals process should also be communicated to them.

Retention and storage of evidence and records - all relevant documents and evidence is retained in line with the requirements of the awarding body and PACT.

Decisions and action plans - all conclusions and decisions should be based on evidence.

Those responsible for gathering information for an investigation should obtain the information specified by the awarding body, in the formats and to the timescales

required. Individuals should always gather the information specified by the awarding body, regardless of their assessment of the matter.

When organising a direct investigation, incorporating the collection of evidence, the PACT will clearly set out:

- the allegation made
- why this would constitute malpractice, if proven;
- who it needs to interview/collect statements from – this could include staff and students;
- the expected timescales for the information gathering;
- the requirements for accommodating any interviews – for example, access to information, safeguarding requirements when interviewing students.

Proportionality – any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the student does not have to admit Malpractice.

The following evidence will be provided alongside the report (as appropriate):

- any written statements from/transcriptions of interviews with the lecturer(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved in, or provided information relevant to, the alleged malpractice. All such documents must be signed and dated by the individuals concerned;
- transcriptions of interviews with/written statements from any candidates involved in, or affected by, the alleged malpractice. All such documents must be signed and dated by the candidates, and any statements must be in the candidates' own words;
- 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/associated material (e.g. source material for non examination assessment/coursework) which is relevant to the investigation;

- any teaching resources/material/details of feedback given to candidates relevant to the investigation;
- details of any other information relevant to the investigation, such as applications for/ documentation relating to access arrangements;
- any other relevant information or evidence not listed above but which is relevant to the case being investigated, for example, CCTV footage;
- a summary of the actions which will be taken by PACT to mitigate the impact of any malpractice, and the actions to be taken to avoid a recurrence of such a malpractice incident.