

## **S.V.Q. Assessors, Verifiers and Candidate Malpractice Policy**

### **DEFINITIONS OF MALPRACTICE:**

Immoral, illegal, or unethical professional conduct or neglect of professional duty, breach of codes of conduct either by the assessor, verifier and/or candidate.

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.

Any suspected cases of centre malpractice must be reported to SQA. In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation, Ofqual or Qualifications Wales, centres are required to report any suspected case of candidate malpractice to SQA.

This policy covers all types of Malpractice that may occur and the following examples are illustrative and not exhaustive.

## **EXAMPLES OF MALPRACTICE**

*Examples of **Candidate malpractice** may include:*

- ◆ Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment –including the early and unauthorised removal of a question paper or answer booklet from the examination room (if applicable).
- ◆ 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.
- ◆ Misconduct —inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language.
- ◆ Frivolous content —producing content that is unrelated to the assessment.
- ◆ 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.

Plagiarism is only one type of malpractice that can occur in the process of achieving an award. ARC Scotland considers plagiarism as a very serious offence and will apply stiff penalties if it is investigated and proven.

### **Procedure to be undertaken if plagiarism is suspected:**

- The person who initially suspects that plagiarism may have taken place should in the first instance raise this with the person suspected. It may be an entirely innocent mistake that can be rectified by simply identifying the source of information or clarifying authenticity.

- If step one above does not satisfactorily resolve the situation, the person suspecting must report their suspicion to the investigating officer, which is routinely the Training Manager (or if this is inappropriate, the ARC Scotland Director), providing details of what has been discussed in step one.
- The investigating officer will investigate the situation and decide a course of action. This may include seeking guidance from the awarding body and may result in more serious action, depending on the circumstances and the level of breach of trust. For example, a candidate may be withdrawn for the SVQ or PDA course, or an assessment practitioner disciplined for misconduct.
- The investigating officer will document all stages of the investigation and inform the affected parties of outcomes promptly.
- A person suspected of plagiarism is entitled to appeal against the final decision. If this course of action is intended, the appellant must inform the investigating officer of their intention to appeal within 28 days of receiving the decision.

*Examples of **Centre malpractice** may include:*

- ◆ managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- ◆ deliberate falsification of records in order to claim certificates
- ◆ excessive direction from assessors to candidates on how to meet national standards
- ◆ failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards
- ◆ failure to 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 decision
- ◆ failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- ◆ insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security
- ◆ failure to comply with requirements for 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

- ◆ failing to register candidates within a qualification's accreditation period
- ◆ making late registrations to the awarding body for qualifications in their lapsing period
- ◆ requesting late certification of learners after the certification end date
- ◆ for all SQA qualifications, failure by a centre to notify, investigate and report allegations of suspected centre malpractice to SQA
- ◆ deliberately withholding information about circumstances which may compromise the integrity of any SQA qualification and/or credibility of SQA
- ◆ 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 failure by a centre to notify, investigate and report to SQA allegations of suspected candidate malpractice

Any suspected cases of candidate malpractice may result in the candidate being withdrawn from the SQA accredited programme. However this would only be sanctioned as a last resort following a thorough investigation where deliberate malpractice is proven. Each situation would be assessed and investigated on an individual basis to establish if the malpractice was apparent due to ignorance, neglect or carelessness. In some situations a candidate may be asked to resubmit evidence with appropriate referencing if plagiarism is suspected or requested to amend and resubmit additional evidence to demonstrate competence.

Any cases of malpractice by candidates undertaking a regulated qualification will be reported to SQA should this be suspected. In addition, suspected case of centre malpractice will be reported to SQA.

#### **PROCEDURE TO BE UNDERTAKEN IF MALPRACTICE IS SUSPECTED:**

- The person who initially suspects that any form of malpractice has taken place will in the first instance notify the SVQ Coordinator of ARC Scotland or in his or her absence the Head of Centre.
- Should the alleged malpractice involve the SVQ Coordinator the Head of Centre will be the first to be notified.
- The investigating officer appointed will investigate the situation and submit their report to the SVQ Coordinator or Head of Centre as appropriate.
- The SVQ Coordinator or Head of Centre will decide on the course of action to be undertaken resulting from the investigation. This will include seeking guidance from SQA or SSSC depending on the specific malpractice.

- Any form of malpractice that is immoral, illegal, unethical or results in neglect of professional duty from staff employed within the assessment centre may result in internal disciplinary procedures being invoked by ARC Scotland.
- Anything which may constitute, cause or contribute to any breach of professional duty by those subcontracted by the assessment centre may result in immediate termination of contract.
- For a candidate any form of malpractice that is immoral, illegal, unethical or results in neglect of professional duty will be withdrawn from the SQA accredited programme and at the same time a report submitted to the regulatory body i.e. SSSC
- The SQA Coordinator or Head of Centre will ensure that all stages of the process are documented and inform the affected parties of outcomes promptly.

### **Recording of suspected malpractice**

Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for six years. In an investigation involving a potential criminal prosecution or civil claim, records and documentation should be retained for six years after the case and any appeal has been heard.

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

### **SQA's response to suspected malpractice:**

At the conclusion of the investigation carried out by the Head of Centre, the Higher Authority or SQA, as the case may be, SQA will make a decision on any further action to take, which might include referral to the Malpractice Panel. A decision to determine the outcome of the investigation without a referral to the Malpractice Panel may be made in cases where SQA is satisfied that nothing has occurred which might have compromised 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 the Malpractice Panel, SQA may determine what (if any) further action is appropriate in the circumstances.

In a case of suspected malpractice SQA will review the information and decide whether to:

Take no further action.

Bring the matter to the attention of the Head of Centre or a higher authority, asking them to investigate the alleged malpractice and to produce a written report on the outcome.

Investigate the matter directly. This may happen in a case of alleged fraud, in a case of serious threat to the integrity of certification or where a centre does not have the capacity to conduct an investigation. SQA will appoint someone who is independent of the normal day-to-day working relationships with the centre to carry out the investigation.

Identify a third party to take forward the investigation, including cases where police or other regulators would be better placed.

### **Communicating the decision**

SQA will inform the Head of Centre or higher authority of the Panel's decision in writing, stating their reasons. SQA will advise on the Panel's decision within ten working days. The Head of Centre or higher authority should then communicate the decision to relevant candidates and/ or centre staff.

### **Appeals against malpractice decisions**

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

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

Candidates and staff have the right to appeal to SQA where:

- . The centre has conducted an investigation, the candidate or staff member disagrees with the outcome and has exhausted the ARC Scotland assessment centre's malpractice appeals process
- . SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome, where the centre's internal malpractice appeals process has been exhausted, or
- . SQA has conducted an investigation and the candidate or staff member disagrees with the decision.

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

