



# **Malpractice Policy**

**August 2023**

## History of Changes

Version	Description of Change	Authored by	Date
1.1	New Policy required by awarding bodies as part of our quality systems to inform staff and students of the nature of malpractice how it should be prevented, minimised and reported	D Killean	26/06/2014
1.2	Revise policy to comply with the new SQA quality criteria including the introduction of appeal and complaints sections to protect the candidate against unsound decisions. Clearer guidance on involvement of the awarding body. Guidance on records retention and clearer guidance on when the police should be involved in any case of alleged malpractice	D Killean	22/07/2015
1.3	Revised policy to comply with new SQA quality criteria where the College are required to provide SQA with a contact over the summer months if there are any unresolved investigations and that, in some circumstances, SQA may amend or revoke candidate results and/or certificates if malpractice is found	C Elliott	17.05.2018
1.4	At the request of AAT awarding body, we have included a statement that any suspected malpractice relating to AAT awards must be reported within 48 hours	H Anderson	27/11/19
1.5	Revision of policy based on new guidance issued by SQA in December 2020	J Gracie	March 2021
1.6	Revised policy to comply with SQA retention of records criteria	L Gilchrist	August 2023

## 1. Introduction

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.

This document:

- explains the definition of malpractice, giving examples in a range of contexts
- describes the arrangements that the College has put in place to minimise the risk of malpractice
- explains how we expect concerns of malpractice to be handled, if and when they arise

## 2. Scope

This document covers malpractice and maladministration for all activities relating to all awarding bodies for which the College is accredited.

This document complies with the requirements of awarding bodies operating in Scotland under the regulatory authority of the SQA.

The College also offers programmes leading to certification by UK-wide awarding bodies. For these awards the malpractice policy complies with the requirements of the Joint Council for Qualifications.

The document is in five main parts:

- Part A: General malpractice information
- Part B: Candidate malpractice
- Part C: Centre malpractice
- Part D: Appeals against malpractice decisions 2
- Part E: Retaining records relating to malpractice

## Part A: General malpractice information

## 3. Definitions

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) that is a breach of Awarding Body requirements, including any act, default or practice that:

- compromises, attempts to compromise, or may compromise, the process of assessment, the integrity of any qualification, or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of an Awarding Body or any officer, employee or agent of that organisation.

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). Examples might include:
  - completing assessment work on behalf of learners; or
  - falsification of information leading to certification
- Some incidents of malpractice are unintentional. We define unintentional malpractice as '**maladministration**', which includes incidents that arise due to ignorance of Awarding Body requirements, carelessness or neglect in applying the requirements. Examples might include:
  - seeking approval to offer a new qualification after the deadline for new approval applications has passed; or
  - requesting late certification of learners after a regulated qualification's certification end date

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

It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned. Depending on the circumstances, it may be necessary for either the Awarding Body, or the College, to undertake that investigation.

## 4. Minimising the risk of malpractice

The College will 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:

- design of assessments
- security of assessment materials
- assessment delivery and completion of assessments
- quality assurance of assessment
- authentication of candidate evidence
- management of candidate assessment data
- management of the centre's administrative systems

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

The College has a robust internal quality assurance system, with appropriate internal verification, to enable their management team to identify and take early action to address any concerns about assessment practice.

All staff responsible for the administration and deployment, marking, checking and resulting of assessments for an awarding body should ensure that they are familiar with that awarding body's rules and regulations for assessment. These are available from awarding body websites or from the College's Quality staff.

## Part B: 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
- conduct during or after an assessment

The following are examples of candidate malpractice, but College staff should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications, or other activity by candidates that may amount to candidate malpractice. Examples could 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
- breaching the defined conditions of an assessment (eg completing work outside of controlled conditions)
- collusion – working collaboratively with other candidates beyond what is permitted
- copying from another candidate
- frivolous content – producing content that is unrelated to the assessment
- 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 in the examination 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 – possessing items that candidates must not have with them at their allocated seat in the examination room because they can give an unfair advantage, including (but not restricted to): mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified assessments) – unless approved by SQA as part of an assessment arrangement

## 4. Where Malpractice is Alleged or Suspected

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 the College and Awarding Bodies, may vary depending on the type of assessment affected:

- **Internal assessment:** an assessment for a qualification where the assessment judgement is made within the centre. Internal assessments are subject to both internal verification by the College and external verification by the Awarding Body. Procedures for dealing with malpractice in internal assessments apply where the assessment is set by the Awarding Body but marked by the College (including e marking of online assessments).
- **External assessment:** an assessment set and marked by Awarding Body examiners. Most external assessments relate to National Qualifications. These procedures will rarely apply to our vocational qualifications, as very few of these have externally marked elements.

### Internal assessment

Where a member of staff suspects a student of malpractice during the assessment or during marking and before the submission of results to the awarding body then the evidence will be investigated under the Student Behaviour and Disciplinary policy and procedure.

### Before the suspected malpractice arises and throughout an investigation

- we will ensure that all candidates and staff are aware of the policies for malpractice, and their responsibilities and rights during and following an investigation into alleged malpractice, including their rights of appeal.

### When the College becomes aware of the suspected malpractice

- we will ensure that no candidate results relevant to an investigation are submitted to the Awarding Body during the course of the investigation.

The College will conduct any investigation in accordance with the College investigations policy.

### The conduct of the investigation

Candidates who are under investigation for suspected malpractice should be provided with:

- information about the allegation made against them and the supporting evidence
- information about the possible consequences if malpractice is established
- the opportunity to seek advice (if 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
- a written response providing the candidate with the outcome of the investigation
- information on the applicable Awarding Body appeals procedure, if a decision is made against them.

During an investigation, the conduct of the candidate in other assessments or examinations should not be considered in reaching a finding of malpractice. However, if it is established that the candidate has engaged in malpractice, any previous findings of malpractice against the same candidate may be considered for the purposes of determining the appropriate penalty.

### **Where malpractice has been established by an investigation**

- we will apply an appropriate action/decision when a case of suspected candidate malpractice has been upheld
- we will review internal quality assurance procedures following malpractice investigations, to minimise the risk of further malpractice, and implementing any required corrective actions

The College will retain appropriate records for the relevant period (**see Part E – Retaining records relating to malpractice**)

The College will only bring concerns about candidate malpractice in internal assessments to the Awarding Body's attention in the following circumstances:

- 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, Ofqual or Qualifications Wales
- a candidate affected by a centre's candidate malpractice decision has exhausted their right of appeal within the centre and wishes to exercise their right of appeal to the Awarding Body.
- there are other exceptional circumstances, for example if the College believes that the malpractice case involves a criminal act

### **Internal Assessment following submission of results to the awarding body**

Where a member of staff uncovers evidence of malpractice after results have been submitted to the awarding body the Director of MIS should be informed. The Director of MIS will inform the awarding body who will instigate their own procedures. This may include an investigation conducted within the College under the direction of the Principal and in compliance with the awarding body's requirements. The awarding body may apply sanctions depending on the outcome of the investigation.

## External Assessment

Most 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 the College identifies a concern that there may have been candidate malpractice in relation to an externally assessed portfolio, project, coursework piece or online assessment, the appropriate procedure depends on what stage has been reached:

- If the assessment materials have not yet been submitted to the Awarding Body, we will investigate and resolve the issue in line with the College's malpractice procedure. The assessment materials should not be submitted to the Awarding Body for marking.
- If the external assessment materials have already been submitted to the Awarding Body, then the Director of MIS should notify the Awarding Body as soon as we have carried out an initial screening exercise to establish the nature of the concerns.

The investigation will be conducted under the direction of the Principal. The awarding body may apply sanctions depending on the outcome of the investigation.

Where the student is still enrolled at the College they will also be subject to investigation under the College's Student Behaviour and Disciplinary procedures and where the allegation of malpractice is proven sanctions may be applied up and including permanent exclusion.

Where the alleged malpractice may have involved any criminal activity, the police should be informed, and they may conduct their own investigations.

### **Before the suspected malpractice arises and throughout an investigation**

- we will ensure that all candidates and staff are aware of the policies for malpractice, and their responsibilities and rights during and following an investigation into alleged malpractice, including their rights of appeal.

### **When the College becomes aware of the suspected malpractice**

- where assessment materials have already been submitted to the Awarding Body, we will carry out an initial screening to establish the nature of the concern and notifying the Awarding Body of any concerns of possible malpractice in external assessments immediately afterwards.
- we will ensure that no candidate results relevant to an investigation are submitted to the Awarding Body during the course of the investigation.

The College will conduct any investigation in accordance with the College's investigation policy.

### **The conduct of the investigation**

Candidates who are under investigation for suspected malpractice should be provided with:

- information about the allegation made against them and the supporting evidence
- information about the possible consequences if malpractice is established
- the opportunity to seek advice (if 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
- a written response providing the candidate with the outcome of the investigation
- information on the applicable Awarding Body appeals procedure, if a decision is made against them.

During an investigation, the conduct of the candidate in other assessments or examinations should not be considered in reaching a finding of malpractice. However, if it is established that the candidate has engaged in malpractice, any previous findings of malpractice against the same candidate may be considered for the purposes of determining the appropriate penalty.

Following the investigation, a full written report should be provided to the Awarding Body, accompanied by supporting documentation as appropriate. The report should 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 assessment environment
- any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

### **Centre malpractice concerns arising from candidate malpractice investigations in external assessments**

Where a centre identifies a new concern of possible centre malpractice (for example, excessive direction by assessors) in the course of investigating a concern about candidate malpractice, the procedures for responding to centre malpractice should be applied.

The first steps in these circumstances are for the College to complete any outstanding candidate malpractice documentation with their findings and carry out an initial screening to report the new centre malpractice concern to the Awarding Body. This includes any concerns where the centre has judged that no further action is necessary.

## 5. Referral to the malpractice panel

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

The malpractice panel is composed of experienced members of SQA staff who have significant expertise in assessment and quality assurance. The panel will determine the outcome in cases of suspected candidate malpractice referred to it by SQA officers leading an investigation. Candidates or representatives from centres cannot attend the meeting of the panel.

SQA officers leading an investigation and members of the panel must be independent. If an SQA officer or panel member has personal knowledge of a case, or could be said to have some interest in it, this could lead to claims that the panel has been biased. In such a case, that SQA officer or panel member will take no part in the discussion of the case and will not be present when the panel discusses the matter.

To arrive at a decision on a case, the malpractice panel:

- considers all relevant factors and disregards all irrelevant factors
- determines whether correct procedures have been followed in the investigation of the case
- decides whether the panel requires more time or information to consider the case
- identifies the criteria alleged to have been compromised
- considers the investigation findings and supporting documents
- considers any submission made by the candidate who is the subject of the investigation
- decides, based on the information available, whether malpractice has occurred
- establishes who is responsible if criteria have been compromised
- determines an appropriate level of penalty, sanction, or remedial or preventative action to be applied to safeguard the integrity of certification; and
- issues a written decision, based on its consideration of the facts of the case, giving reasons for the decision

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities (ie that it is more likely than not) that malpractice occurred.

### **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 engaging in similar malpractice
- ensure no one has gained from malpractice
- in dealing with invalid certification, minimise any disadvantage to candidates not found to be at fault; and
- in the case of vocational qualifications that are subject to regulation, advise SQA Accreditation, Ofqual or Qualifications Wales of the outcome.

If SQA decides to take further action following the outcome of the investigation, this will be based only on the relevant available evidence. Penalties may be applied at centre and/or individual level. SQA's decision must be justifiable and proportionate in the circumstances. We discuss the types of action that SQA may take against centres and individuals later in this document.

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

- a written warning
- revision of marks
- cancellation of components or awards
- disqualification from future entries
- revocation of candidate certificates

SQA will inform the Head of Centre or the third party (where appropriate) of the panel's decision in writing, stating its reasons. They will do this within 20 working days of reaching that decision. Your Head of Centre or the 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), the College will implement any required actions that have been identified in the 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.

### **Part C: Centre malpractice**

Centre malpractice includes any type of malpractice by a centre, or someone acting on its behalf (for example a lecturer). Centre malpractice does not need to be intentional malpractice, and may take place unintentionally by centres (which is sometimes known as maladministration).

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

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

Examples of centre malpractice include (but are not limited to):

- 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 comply with Awarding Body requirements in the preparation, quality assurance and submission of estimated grade information
- failure to apply specified Awarding Body assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments, including any amendments to permitted conditions
- misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance
- failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- failure to comply with Awarding Body requirements in relation to appeals processes 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 safe retention of candidate evidence, and safe and accurate maintenance of assessment and internal verification records
- failure to comply with an Awarding Body'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 promptly notify, investigate and report concerns of potential centre malpractice to SQA
- failure to promptly notify an Awarding Body of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation
- withholding information about circumstances that may compromise the integrity of any qualification or the credibility of that Awarding Body.
- failure to notify an Awarding Body promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal
- failure to co-operate with an Awarding Body investigation into concerns of malpractice
- for qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify, investigate and report to SQA concerns of potential candidate malpractice

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

- notification by a centre that it has identified an internal concern of possible malpractice
- a direct approach from a concerned candidate, parent/carer, centre employee or member of the public
- professionals from other centres, awarding organisations or industry bodies concerned that standards are not being applied consistently

An Awarding Body will also instruct appointees carrying out external assessment and quality assurance activities to highlight any concerns of possible malpractice at the earliest opportunity. There are procedures in place for invigilators, markers, verifiers and other appointees to bring concerns to attention.

## **6. Procedure for responding to concerns of centre malpractice**

Centres should always notify the Awarding Body of suspected centre malpractice and the outcome of any decision made by the centre as a result of its initial screening exercise. This includes any concerns where the centre has judged that no further action is necessary. This notification should be made as soon as possible following the suspected malpractice or outcome of the decision.

In addition, an Awarding Body will require the College to promptly bring to their attention any findings of centre malpractice or maladministration communicated to the College by another awarding or industry body. This will allow them to assess any risk to its qualifications offered by the centre.

Any allegation made against a member of staff should be investigated and the awarding body informed. The investigation will be conducted under awarding body guidance. Where malpractice is proven or uncovered by the College and it has compromised the integrity of results submitted or planned to be submitted to an awarding body, then the awarding body must be updated by the Director of MIS or, where the allegation involves MIS Department staff, by the Assistant Principal Curriculum and Quality.

Where allegations of malpractice are proven the awarding body may apply sanctions against the member of staff and/or College.

A staff member may also be subject to investigation under the College's Employee Disciplinary Policy and Procedure where malpractice has been alleged.

Where the alleged malpractice may have involved any criminal activity, the police should be informed, and they may conduct their own investigations.

### **How to report concerns about malpractice to an Awarding Body**

All suspected cases of malpractice, including those from a third party, should be reported in writing to the awarding body. In the case of (AAT) Association of Accounting Technicians all suspected cases of malpractice including those from a third party, should be reported in writing to AAT within 48 hours.

In the case of SQA the Assistant Principal Curriculum and Quality will write or telephone on behalf of the College, setting out the suspected malpractice and the action to date to:

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

Tel: 0345 213 5567 / 5930 / 6512

Where any suspected malpractice may also have involved a criminal act then the police should also be informed.

## **7. Investigation**

Where an Awarding Body decides that further investigation is necessary, they may ask the College or a third party to investigate on their behalf. The investigation should be completed in line with the College's Malpractice Policy.

During an investigation the College 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 concerns of possible malpractice, such as their rights of appeal.
- Familiarise themselves with, and follow, the Awarding Body procedures for amending results data and returning certificates.
- Notify the Awarding Body about invalid certificates immediately.
- Complete an investigation in accordance with the College's Malpractice Policy.
- Ensure that candidate results relevant to the investigation are not submitted to the Awarding Body during the course of the investigation.
- Provide the Awarding Body with a report of our findings and any recommended actions in relation to assessment and quality assurance for its qualifications, supported by relevant documentation.
- Review internal quality assurance procedures to minimise the risk of future malpractice, and implement any required corrective actions.
- Report the matter to the police, immediately if we consider, before or during the investigation, that a malpractice case involves a criminal act.

When notified of the Awarding Body decision on the matter (subject to any successful appeal), the College will implement any required actions for the centre identified in the 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 if malpractice is established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- appropriate time to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- a written response providing the individual(s) with the outcome of the investigation
- information on any applicable appeals procedure

The full written report provided to the Awarding Body 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**

The SQA reserve the right to conduct a malpractice investigation themselves. They may also initiate a direct investigation at a later stage if they decide that an investigation led by a centre or third party has not been completed in line with SQA's Standards for Devolved Investigations, or has left questions unanswered.

The Head of Centre will ensure that SQA officers are provided with all relevant information promptly during the investigation. Withholding information, deliberately or otherwise, may impede SQA's ability to make a fair decision when considering the investigation findings. The Head of Centre will be provided with an opportunity to review the investigation findings to comment on their factual accuracy.

## **8. Decision**

At the conclusion of the investigation, an Awarding Body will decide on any further action to take, which might include referral to a malpractice panel.

If an Awarding Body decides to take further action following the outcome of the investigation, this will be based only on the relevant available evidence. Measures to safeguard the integrity of certification may be applied at centre level.

The Awarding Body 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, the Awarding Body may decline to accept the work of the candidates to protect the integrity of the qualification for the majority.

Furthermore, in order to maintain the integrity of certification, a finding of centre malpractice related to assessment may also exceptionally lead to adjustments to candidate results, or to marks that may, in turn, affect provisional or certificated awards.

Where the malpractice panel has made a finding of centre malpractice, the range of measures to safeguard the integrity of certification includes, but is not limited to:

- a written warning
- additional support or development activity
- a requirement that the centre prepares an action plan and provides updates to give assurance that potential for future malpractice has been minimised
- additional external quality assurance activity
- application of required actions to enable certification to proceed
- withdrawal of approval to offer specific qualifications
- withdrawal of centre approval status
- requirement for re-assessment of candidate(s)
- exceptionally, amendment to candidate results and/or revocation of certificates.

A finding of centre malpractice is, by definition, only ever made in respect of a centre. Awarding Body findings do not represent a judgement on the performance or conduct of an individual teacher or assessor.

Any employment, disciplinary procedures or referrals to professional regulators (for example General Teaching Council for Scotland) in relation to individual conduct are matters to be considered by the College.

## **Part D: Appeals against malpractice decisions**

### **Appeals against decisions about candidate malpractice**

Candidates should be advised that they have the right to appeal a decision where a concern of candidate malpractice has been upheld.

Candidates should be made aware of the College's internal appeals process, and that this includes the right to appeal to an Awarding Body, after the centre's internal appeals process has been exhausted.

Candidates, or their authorised representatives, have a right to appeal to an Awarding Body where:

- the centre has conducted its own investigation and the candidate disagrees with the outcome, and the centre's internal appeals process has been exhausted
- An Awarding Body has asked the centre to investigate and the candidate disagrees with the outcome, and the centre's internal appeals process has been exhausted
- an SQA malpractice panel finds that candidate malpractice has been identified and the candidate disagrees.

The appeal must include a written account of why the candidate thinks that the centre's decision is wrong, and this account must address the reasons for the original decision given by the centre. Any evidence submitted to support this claim must be relevant to the case being made.

### **Appeals against decisions about centre malpractice**

If a centre disagrees with a finding of centre 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 right to appeal is held by the centre against which the finding has been made. Should an individual lecturer or assessor have concerns about a finding of centre malpractice, this matter should be resolved by the College.

## **9. Complaints**

In addition to the appeals procedure, any formal complaint about the College's administration of the case can be submitted according to the formal Complaints Handling Policy and Procedure available from the College website ([www.borderscollege.ac.uk](http://www.borderscollege.ac.uk)).

### **Part E: Retaining records relating to malpractice**

In conducting an investigation, the College is required to retain the following records and documentation for three years, or **six years** if the investigation relates to vocational qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales:

- 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 malpractice
- written statements from the centre staff and candidates involved – these should normally be signed by the writer 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 there is any doubt about whether criminal or civil proceedings will take place, the College should keep records for the full six-year period.

#### **Retaining SQA centre malpractice panel decisions**

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

### **Retaining SQA candidate malpractice panel decisions**

SQA will retain a record of decisions by its candidate malpractice panel where a penalty has been applied for six years after conclusion of the investigation and any appeal, to inform future quality assurance decisions.

## **10. Responsibilities**

The implementation of our Malpractice Policy is the duty of all managers involved in the assessment and certification of our students. Employees also have a duty to uphold this policy and report any concerns regarding malpractice.

**Regional Board:** The Regional Board are responsible for ensuring that the College complies with this policy.

**Principal and Chief Executive:** The Principal is responsible for overseeing compliance with this policy and directing investigation instigated by awarding bodies into malpractice.

**Assistant Principal Curriculum and Quality** is the policy author and is responsible for its implementation. In revising the policy from time-to-time, the Assistant Principal Curriculum and Quality must ensure that it complies with the current awarding body requirements, their quality standards and the College's status as an approved centre. The Assistant Principal Curriculum and Quality is responsible for the liaison with the awarding body in a case of suspected malpractice.

**Director of MIS** is responsible for ensuring that College registration, records, examination and results systems are secure and comply with the requirements of awarding bodies.

**Assistant Principals, Head of Sector and Promoted Lecturers** are responsible for the implementation of this policy as it relates to assessment practice and for reporting any suspected malpractice to the Assistant Principal Curriculum and Quality, the Director of MIS and the Quality Improvement Manager.

**Quality Improvement Manager** is responsible for ensuring that records relating to malpractice are retained in accordance with this policy.

**Lecturing Staff** are responsible for complying with the policy and promoting good practice amongst students to minimise the incidents of malpractice. They must report all incidences of suspected malpractice to their line manager.

**Learners:** All learners are responsible for adhering to the rules and regulations governing assessment of their work.

## 11. Related Documents

### Internal linked policies, procedures or guides

- Assessment Policy
- Complaints Policy and Complaints Handling Procedure
- Employee Disciplinary Policy and Procedure
- Internal Verification Policy and Procedure
- Student Behaviour and Discipline Policy and Procedure
- Whistleblowing Policy
- Student Guide to being assessed and making appeals
- Student Handbook.

## Who to contact to appeal against malpractice decisions (SQA)

### SQA managers

*The College's first contact with the relevant SQA manager will be to agree a time to discuss their disagreement with SQA's decision or in a case of a candidate, once they have exhausted the College's internal appeals process.*

### Cases of malpractice in HN/Vocational Qualifications

Head of Operations for HN/Vocational Qualifications Operations Directorate, Tel:  
0345 213 5994

### Cases of malpractice in National Qualifications

Head of NQ Delivery: Assessment and Data Services Operations Directorate, Tel:  
0345 213 6853

### Head of Accreditation

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

### Corporate Office

SQA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

### Ofqual

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

## Investigation Report Form<sup>1</sup>

Qualification title:

Date of issue:

Centre number:

Centre name:

Unit code(s)/Unit Title:

Level:

Candidate(s) involved (if appropriate):

Staff involved (if appropriate):

Area of concern:

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<sup>1</sup> To be completed by the Principal or designated deputy.

I confirm that all individuals involved have been notified about the above issue and have been given opportunity to comment.

Where appropriate, a signed statement from each individual is available.

Status: Approved by JCC and CQC  
Policy Dated: August 2023  
Author: Assistant Principal Curriculum and Quality  
Review Date: August 2025  
Equality Impact Assessed: Complete