

# WEA Policy for Malpractice (in teaching, learning and assessment)

## 1. Purpose

- To set out definitions/interpretations of malpractice in relation to teaching, learning and assessment
- To set out the rights and responsibilities of learners, tutors, assessors, IQAs and education staff in relation to malpractice in relation to teaching, learning and assessment
- To set out procedures for handling suspected malpractice in relation to teaching, learning and assessment

## 2. Values

- Every effort should be made to ensure learners, tutors, assessors and IQAs are informed about appropriate study approaches to prevent the incidence of malpractice in teaching and learning
- Information about appropriate study approaches and malpractice in teaching and learning should be expressed and explained in language and situation appropriate to each individual learner
- Any suspected incidence of malpractice in teaching and learning should be investigated in a manner that supports the individual to understand and account for the incident without pre-judgement.

## 3. Scope and Definitions

Malpractice constitutes any act or practice (whether deliberate or resulting from neglect) that disrupts fair and equal opportunity for assessment or examination or which is a breach of awarding body requirements which:

- 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 the provider or awarding body

### Learners:

Examples of learner malpractice include:

- breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment — including early and unauthorised access to, removal of and sharing of assessment materials
- collusion with others when a task or assessment must be completed by an individual
- copying from others when a task or assessment must be completed by an individual

- inappropriate behaviour in an assessment that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language
- frivolous and/or offensive content — producing content that is unrelated to the assessment, that includes vulgarity and swearing or is discriminatory in nature
- impersonation — 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 — items that candidates must not have with them at their allocated seat in the exam room or during an assessed activity because they can give an unfair advantage, including: mobile phones; digital devices that are web-enabled or store information; books, notes, sketches or paper; pencil cases; calculator cases; calculator or dictionary (except in specified subjects) — unless any of these things have been approved by the awarding body as part of an assessment arrangement
- destroying the work of another learner

**Staff (tutors, assessors, IQAs, co-ordinators and administrators):**

Examples of tutor/assessor malpractice include:

- breaking the assessment/examination regulations of the awarding body
- acting in a manner that undermines the integrity of assessment/test/examination
- 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
- failure to apply specified awarding body 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
- failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- assisting learners with the production of answers - this would include providing the work of another learner taking the same assessment to use as a model for submission or providing excessive direction to a candidate
- failure to assess internally assessed units or course assessment work fairly, consistently and in line with national standards
- 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 awarding body 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 qualifications, failure by a centre to notify, investigate and report allegations of suspected centre malpractice to the awarding body

- deliberately withholding information about circumstances which may compromise the integrity of any qualification and/or credibility of the awarding body or provider
- failure to take action as required by the awarding body or to co-operate with in an investigation in relation to concerns of malpractice
- for qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify, investigate and report allegations of suspected candidate malpractice

#### **4. Procedures**

The WEA recognises that malpractice may arise from lack of self- confidence or misunderstanding of the aims and conditions of the assessment /test/examination, or from stress/pressure. All policies and procedures should be interpreted to maximise support to the person suspected, taking into account their particular circumstances. It may be more appropriate in some cases to address the circumstances as a priority rather than individual behaviour. Undue stress, for example, might be reduced through appropriate support to prevent any recurrence.

In all cases of malpractice, a Senior Regional Area Education Manager must be involved, together with the National EME and Accreditation Manager. They may, at their discretion, and after taking advice where necessary, decide on an alternative or non-disciplinary course of action. A written record of the circumstances, the decision and the reason for alternative or non-disciplinary action will be kept by the region.

##### **Stage 1 Prevention**

- All learners should receive appropriate guidance through their tutor concerning the preparation of work for portfolio based assessment, including the correct use and referencing of sources
- All learners and staff should receive up to date and appropriate guidance on assessment/test/examination conditions and rules
- All learners and staff should be informed about the content of the WEA's policy of Malpractice

##### **Stage 2 Formal proceedings**

- Malpractice should be reported immediately to a regional Senior Area Education Manager who will inform the National EME and Accreditation Manager
- Any person suspected of malpractice shall be made fully aware by the regional Senior Area Education Manager of the nature of the allegation, in writing and at the earliest opportunity. Care must be taken to ensure that the format of this communication and language used is fully accessible to the recipient. If necessary, an agreed advocate can be involved to ensure understanding.
- Any person suspected of malpractice shall be presented with all evidence against them
- Any person suspected of malpractice must have an opportunity to respond – personally, and/or in writing within an agreed timescale
- Any person suspected of malpractice will be invited to a meeting with the regional Senior Area Education Manager or a responsible third party where they will be able to

explain and defend their actions. They may be accompanied by an agreed advocate. Vulnerable learners must be accompanied by an advocate. Advocates can include parents, friends or others. Learners with additional support needs must be given appropriate assistance for any meeting, e.g. use of electronic note-takers or BSL interpreters.

- Alternatively, the disciplinary process may be conducted by email or in writing.

### **Any suspected cases of centre malpractice must be reported to the awarding body.**

All awarding bodies expect centres to bring concerns of candidate malpractice related to internal assessment to their attention 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, Ofqual or Qualifications Wales
- any candidate affected by a centre's candidate malpractice decision, who — having exhausted their right of appeal within the centre — wishes to exercise their right of appeal; or
- there are other exceptional circumstances, e.g. the centre believes that the malpractice case involves a criminal act.

### **The matter must also be reported to the police if the malpractice involves a criminal act.**

NB: Care must be taken when dealing with vulnerable and inexperienced learners. Where behaviour is not clearly deliberate, the learner will receive support and have an opportunity to re-submit work. If improvements are not made, the learner should be advised that formal disciplinary proceedings will commence.

### **Stage 3 Outcomes**

1. Allegations of cheating, malpractice and/or deliberate plagiarism will be reported to the Awarding Body (where appropriate) in writing.
2. Where Awarding Body Regulations have been contravened, then a representative of the Awarding Body may wish to be involved in the investigation.
3. A written report of the investigation and recommended actions and sanctions will be sent to all parties.
4. The person at the centre of the investigation will be informed of the Appeals Procedure should the judgement be found against them.
5. Where Awarding Body Regulations have been contravened, then the Awarding Body may wish to impose sanctions on the future involvement of that person in assessments/test/examinations.
6. Candidates involved in an investigation of malpractice (whether candidate or centre malpractice) must not be awarded results for the assessments in question until the investigation is completed, the outcome decided and any appeal concluded.

## **Sanctions applied in the event of malpractice**

Sanctions, applied by the WEA and/or an awarding body, will be applied according to the severity of the behaviour.

### **Learner**

- A learner may lose credit for the individual unit or for all units in the qualification
- A learner may be disqualified from completing the qualification
- A learner may be barred from submitting work or taking an examination towards the qualification for a period of time.

### **Tutor/Assessor/IQA**

- A tutor/assessor/IQA may be withdrawn from teaching/assessing/quality assuring the individual course
- A tutor/assessor/IQA may be barred from teaching/assessing/quality assuring that qualification in the future
- A tutor/assessor/IQA may be served with warning of disciplinary action by the region.

### **Other education staff**

- A member of staff may be barred from dealing with the qualification in the future
- A member of staff may be barred from dealing with all qualifications in the future
- A member of staff may be served with warning of disciplinary action by the region.

## **Appeals against malpractice decisions**

Candidates and staff have the right to appeal any malpractice decision against them. The process for this is as follows:

1. A first appeal should be made in writing to the regional Senior Area Education Manager, or if this person is not appropriate, the National EME and Accreditation Manager. The reason for the appeal should be made clear. The WEA will confirm receipt of the appeal within three working days.
2. The Senior Area Education Manager and/or National EME and Accreditation Manager will contact the learner/tutor/assessor/IQA to discuss the appeal and will investigate.
3. The person appealing will be offered the opportunity to contribute relevant information to the investigation.
4. If necessary, the relevant Awarding Body will be consulted and guidance sought.
5. Wherever possible, investigations will be completed within 90 days of receipt.
6. The person appealing will be kept fully informed and will receive any decisions and findings in writing within 20 days of the final decision being agreed.
7. If the person appealing is not satisfied, they can make an appeal to the Director Quality and Student Services who will review what has happened and consult the awarding body.

The WEA has the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by the awarding body.

The WEA also has the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to the awarding body.

Candidates have the right to appeal to the awarding body where:

- the WEA has conducted an investigation, the candidate disagrees with the outcome and has exhausted the centre's appeals process
- the awarding body has conducted an investigation and the candidate disagrees with the decision.

8. The decision of the Awarding Body is final.

### Record Retention

Where an investigation of suspected malpractice is carried out, the WEA must retain related records and documentation for three years. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to the awarding body 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 WEA is in any doubt about whether criminal or civil proceedings will take place, it will keep records for the full six year period.

<b>Date of this Review</b>	<b>Date of next Review</b>	<b>Policy reviewed and updated by:</b>	<b>Policy approved by:</b>
July 2021	July 2022	EME and Accreditation Manager	Director of Quality and Student Services