



# Guide to preventing, reporting and investigating malpractice

Effective from May 2023

This document provides advice and guidance to centres and others in respect of preventing, reporting and investigating cases of candidate, centre and centre staff malpractice to WJEC. It also outlines the decision-making process, sanctions and the appeals procedure.

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## 1. Introduction

The purpose of this guide is to provide guidance and support to centres offering WJEC/Eduqas qualifications. It is designed to support centres with preventing, reporting and providing evidence to support the investigation of alleged, suspected or actual cases of malpractice. Sections in the guide cover:

- Definition of malpractice
- Responsibilities of centre staff
- Preventing malpractice
- Reporting malpractice
- Investigating malpractice
- Decisions and sanctions
- Appeals

This guide should be read in conjunction with the current Joint Council for Qualifications (JCQ) document '*Suspected Malpractice Policies and Procedures*' ([www.jcq.org.uk](http://www.jcq.org.uk)).

Information in this guide is compliant with the Regulators' General Conditions of Recognition (Ofqual/CCEA) and Standard Conditions of Recognition (Qualifications Wales).

The Regulators' Conditions of Recognition state that awarding organisations must:

- establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration.
- ensure that investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

Further guidance on malpractice procedures may be obtained by contacting the WJEC Compliance Team on [malpractice@wjec.co.uk](mailto:malpractice@wjec.co.uk).

## 2. Definition of malpractice

### What is malpractice?

'Malpractice' is any act, default or practice which is a breach of the Regulations or which:

- gives rise to prejudice to candidates; **and/or**
- compromises public confidence in qualifications; **and/or**
- 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 any awarding organisation or centre or any officer, employee or agent of any awarding organisation or centre.

Malpractice may or may not relate directly to sitting an examination. WJEC is aware of the possibility of novel or unexpected forms of malpractice emerging as technologies and the nature and organisation of examination centres change.

Failure by a centre to notify, gather evidence and report to WJEC all allegations of malpractice or suspected malpractice constitutes malpractice.

Also, failure to take action as required by WJEC or to co-operate with an investigation, constitutes malpractice.

Some incidents of malpractice can have a significant impact upon candidates and their qualifications. WJEC is obliged to notify the qualifications regulators of certain malpractice incidents.

**Centre malpractice** refers to:

- acts of malpractice resulting in a loss of confidence in the Head of Centre or senior leadership of the centre to maintain the integrity of the WJEC/WJEC Eduqas examinations and assessments.

**Centre staff malpractice** refers to:

- malpractice committed by a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; **or**
- an individual appointed in another capacity by a centre such as an invigilator, a communication professional, a language modifier, a practical assistant, a prompter, a reader or a scribe.

Examples of centre staff malpractice include breaches of security, deception, improper assistance to candidates and maladministration.

**Candidate malpractice** relates to malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any non-examination assessment including controlled assessment, coursework, the presentation of practical work, the compilation of portfolios of assessment evidence and the completion of any examination paper.

Examples of candidate malpractice include the introduction of unauthorised materials into examination rooms, breaching examination conditions, exchanging, obtaining, receiving or passing on information which could be examination/assessment related, non-reporting of receiving (even if not requested) confidential examination/assessment information, offences relating to the content of candidates' work or undermining the integrity of examinations/assessments.

A comprehensive list of all types of malpractice, including maladministration, are documented in the JCQ document ‘*Suspected Malpractice Policies and Procedures*’.

### 3. Responsibilities of centre staff

#### **Who is responsible for preventing, reporting, gathering the information requested by WJEC and communicating with individuals who may or have committed malpractice?**

The Head of Centre has overall responsibility at the centre. The Head of Centre **must**:

- notify WJEC immediately of all alleged, suspected or actual incidents of malpractice. The only exception is candidate malpractice discovered in centre marked internal assessments prior to a candidate signing an authentication form. If staff malpractice is discovered, the Head of Centre must inform WJEC immediately regardless of whether the authentication forms have been signed by the candidate(s).
- report malpractice using the appropriate forms as detailed in section 4.2 of the JCQ *Suspected Malpractice Policies and Procedures* document.
- be accountable for ensuring that the centre and centre staff comply at all times with WJEC’s instructions regarding an investigation.
- ensure that if it is necessary to delegate the gathering of information to **a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or individual(s) involved in the suspected malpractice**. The Head of Centre should ensure that there is no conflict of interest which might compromise the investigation.
- respond speedily and openly to all requests to gather information relating to an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved.
- speedily and openly make available information as requested by WJEC.
- co-operate and ensure their staff do so, with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not.
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in these guidelines.
- forward any WJEC correspondence and information to centre staff and/or provide staff contact information to enable WJEC to do so.
- at all times comply with data protection law.
- pass on to the individuals concerned any warnings or notifications of sanctions/penalties and ensure compliance with any requests made by WJEC as a result of a malpractice case.

Other individuals in a centre such as the Exams Officer, teachers, invigilators and individuals supporting candidates with access arrangements all have a role to play in preventing malpractice and reporting incidents to their Head of Centre or directly to WJEC, as appropriate. All staff should be sufficiently trained and competent in carrying out their duties in respect of the requirements of conducting examinations and assessments.

## 4. Preventing malpractice

There are practical ways in which the Head of Centre and other staff can minimise or eliminate the risk of malpractice.

### 4.1 Preventing staff malpractice/maladministration

- Ensure that staff understand the requirements for conducting examinations as specified in the JCQ document *'Instruction for conducting examinations (ICE)'*.
- Ensure that in relation to examinations, the JCQ *'Mobile Phone and Warning to candidates'* posters are displayed prominently.
- Remember that the Head of Centre is responsible for ensuring that exams conducted at alternative sites are done so under the JCQ ICE conditions.
- Ensure that staff understand the requirements for non-examination assessments as specified in WJEC/Eduqas qualification specification, the JCQ documents *'Instructions for conducting NEA'*, *'Instruction for conducting coursework (Entry Level and Project qualifications)'* and WJEC's *'Instructions for conducting controlled assessments'*. JCQ's document *'General Regulations for Approved Centres'* requires centres to have a written policy regarding the management of GCE and GCSE non-examination assessments.
- Ensure that the centre has a written internal appeals procedure relating to internal assessment decisions and ensure that details of this procedure are communicated, made widely available and accessible to all candidates.
- Ensure that all staff who manage and implement special consideration and access arrangements are aware of the requirements within the JCQ documents *'Adjustments for candidates with disabilities and learning difficulties'* and *'A guide to the special consideration process'*. Evidence to support access applications must be retained at the centre and available for inspection as part of JCQ centre inspection visits.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials including via social media.
- Require staff to report potential conflicts of interest in accordance with their centre's policy and ensure that any potential conflicts are managed within the centre to maintain the integrity of the assessment(s).
- Ensure that **the centre has a written malpractice policy and that** all staff know the centre's procedure for reporting all incidents of alleged, suspected or actual malpractice to WJEC.

In addition, malpractice can be included in a centre's risk assessment register and action plan to ensure that the prevention of malpractice is embedded in the centre's way of working.

## 4.2 Preventing candidate malpractice

- Ensure that all [JCC](#) notices e.g. *Information for candidates, non-examination assessments, coursework, on-screen tests, written examinations, social media, plagiarism* are distributed to candidates prior to assessments/examinations taking place.
- Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introductions of prohibited materials and devices into the assessments, and access to restricted resources.
- Ensure that candidates are aware of actions that constitute malpractice and the penalties that would be imposed on those who commit malpractice. Regular reminders will help with reinforcing learners' understanding of malpractice; social media tools are useful in this regard.
- Ensure that candidates are aware of sanctions resulting from improper use of social media such as sharing assessment information including their own work or others, colluding with others or spreading rumours about assessments online and that they can be issued with sanctions if they commit malpractice using social media. JCC publishes an infographic for candidates with guidance on using social media wisely ([Social-Media-Information-for-Candidates\\_Final.pdf](#) ([www.jcc.org.uk](http://www.jcc.org.uk))).
- Ensure that candidates are fully aware of the sanctions relating to mobile phones or any other unauthorised devices and unauthorised material. The most common instance of candidate malpractice reported to WJEC is candidates having a mobile phone or other device in an exam room. It should be stressed to candidates that having a mobile phone/watch/other prohibited device in their possession will lead to a loss of marks for that unit/component even if they do not intend to use it or if they forgot that they had it with them. If there is any evidence of candidates using a device, it would lead to disqualification from the qualification. Invigilators should be reminded of the importance of reading out the instruction about mobile phones and other devices at the start of exams or other assessments where they are prohibited.
- Ensure that candidates are aware of the sanctions resulting from plagiarism. Plagiarism is another common cause of malpractice. Candidates should be aware that WJEC uses internet search engines and specialised computer software to detect plagiarism.
- Similarly, candidates should be reminded when the use of artificial intelligence (AI) can be considered as suspected malpractice. Candidates who misuse AI when they submit assessment work which is not their own will have committed malpractice and they may receive a severe sanction.
- Ensure that examination clash arrangements are planned and managed effectively to make certain that candidates cannot pass on or receive information about the content of assessments, thereby committing candidate malpractice.
- Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.

**Ignorance of malpractice is not a defence and is not a mitigating factor which will be taken into account in decision making.**

## 5. Reporting malpractice

### 5.1 Candidate malpractice

Any suspicion, allegation or detected incident of malpractice must be investigated by the Head of Centre, or designated senior staff member, and a report submitted to WJEC using the JCQ/M1 form ([www.jcq.org.uk](http://www.jcq.org.uk)). The candidate must be provided with the opportunity to provide a statement. The form and supporting evidence should be e-mailed to [malpractice@wjec.co.uk](mailto:malpractice@wjec.co.uk). The form must include a signature/electronic signature and be dated. Candidate malpractice in an internal assessment may be dealt with by the centre provided that the declaration of authenticity has not been signed by the candidate. In such cases, the internal assessment work being undertaken when the malpractice occurred should not be accepted. The candidate may, subject to the limitations of the specification, undertake new work for submission. This is at the discretion of the centre. The centre must have an internal appeals procedure to cover appeals against its decisions on internal assessments. If the declaration of authenticity has been signed by a candidate, the malpractice must be reported to WJEC.

### 5.2 Centre staff malpractice

All cases of suspected centre staff malpractice **must** be reported immediately to WJEC using the JCQ M2 [form \(www.jcq.org.uk\)](http://www.jcq.org.uk) and e-mailed to [malpractice@wjec.co.uk](mailto:malpractice@wjec.co.uk). The form **must** include a signature/electronic signature and be dated.

In cases where the Head of Centre or the management of the centre is implicated in any allegation, WJEC will gather information directly or may ask an individual(s) with no conflict or personal interest to assist with gathering information e.g. Director of Education or Chair of Governors. In other cases, the Head of Centre or a designated senior member of staff may be asked to gather information under WJEC's guidance and instruction.

**All cases of suspected, alleged or proven malpractice must be reported to WJEC. Centre staff must not make decisions on whether to report a case to WJEC. Not reporting malpractice constitutes malpractice for centre staff.**

### 5.3 Actions to take if malpractice is suspected

If a staff member believes that they have witnessed malpractice, their first port of call should be their Head of Centre who has a duty to report all such incidents to WJEC. If the individual believes that they may be disadvantaged or have other concerns about raising such issues with their Head of Centre or if they believe that their Senior Management Team is involved, they can contact WJEC directly.

Any individual with a genuine concern can report malpractice anonymously or request that their identity remains anonymous. WJEC will not disclose an individual's identity unless required by law to do so. Please be aware that whilst the name or other personal details of the individual making an anonymous allegation will not be shared, the allegation being made



may be shared with relevant centre staff in order to investigate the allegation. In order to support any potential investigation, you should provide all information that you are aware of immediately. Detailed, timely and clear information will enable us to investigate cases more effectively (please see section 6 on the type of information that is important).

If you have information concerning malpractice, please e-mail WJEC's Compliance Team at [malpractice@wjec.co.uk](mailto:malpractice@wjec.co.uk)

Additional information about making an allegation is available in the JCQ' document 'Public Interest Disclosure Act' ([www.jcq.org.uk](http://www.jcq.org.uk)).

WJEC will evaluate the allegations received to check if they would constitute malpractice if verified. WJEC may contact the person who made the allegation to request additional information or clarification. Desktop research regarding a centre will then be undertaken to obtain any relevant factual evidence on record to support further enquiries. WJEC will collate and review the information from the allegation and subsequent research to determine whether there is a need to investigate further and to determine the most appropriate way of gathering additional information. Where there is reasonable cause to suspect malpractice, WJEC will investigate the matter as such.

WJEC will not report the outcome of malpractice cases to persons making allegations or share details of any investigations which may ensue. Personal information will be treated sensitively and confidentially and WJEC will ensure compliance with the General Data Protection Regulation (GDPR).

## 6. Providing information to support a malpractice investigation

### 6.1 Activities carried out by the centre

When agreed by WJEC that it is suitable for a centre to do so, the process of gathering information into alleged, suspected or actual malpractice has to be undertaken by an individual(s) at the centre who **must** not have a real or perceived conflict of interest in the case and is competent to do so. An individual is judged to be competent if they have read and understood the JCQ document '*Suspected Malpractice Policies and Procedures*'. WJEC will provide guidance to the Head of Centre regarding the lines of enquiry for the investigations.

The following questions are useful in assessing whether or not a conflict of interest or a personal interest exists:

- Could the outcome of the investigation result in the individual gathering the information gaining personal, financial or reputational advantage or disadvantage?
- Does the investigator have a personal relationship or close professional relationship with the accused?

The information should include details of:

- who was involved in the incident, including candidates, members of staff and/or invigilators.
- the facts of the case, as established from evidence and/or statements from those involved.

When gathering information, the following actions should be considered:

- Stress to all involved that the information received is an allegation of malpractice and the purpose of the investigation is to ascertain the facts. Identify who in the centre should gather the evidence regarding the allegation/incident, after considering possible conflict of interests.

- Ensure that the individual gathering the information is clear about WJEC's requirements and the forms that should be completed.
- Maintain a record of every discussion and action taken during the evidence gathering process and retain the information for an appropriate period of time. In an investigation involving a criminal prosecution or civil claim, records and documents should be kept for the required duration after the case and any appeals have been heard.
- Inform the individual(s) accused of malpractice at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should the malpractice be proven. Inform them of their rights - they **must** be given the opportunity to respond, preferably in writing, to the allegation made against them.
- Identify all the potential sources of information and consider how the evidence can be gathered most effectively and efficiently e.g. interviews with individuals, written records, attendance sheets, CCTV footage. The quicker the information is gathered the better as evidence may be lost.
- When interviewing individuals, prepare questions in advance (including those provided by WJEC) and keep a note of the meeting. This should be sent to the interviewee to sign and date as an accurate record. Interviews should be conducted in accordance with the centre's policies. The interviewer may wish to be accompanied by a note-taker.
- Interviewees should be informed that information gathered as part of an interview may be shared with other individuals involved in the investigation.
- Interviews with children or vulnerable adults should be conducted in accordance with the centre's safeguarding policy.
- Collate all information gathered eg what happened (the nature of the malpractice), why it occurred, who was involved, when and where it happened, what actions need to be taken by the centre to prevent a recurrence.
- Complete the report for WJEC using forms JCQ M1 (for candidate malpractice) and JCQ M3 (for centre staff malpractice), ensuring that all supporting information is included such as written statements (that these have been checked, signed and dated by the individual), copies of correspondence, candidate work and any other records.
- Consider whether you are required to inform the Teaching Regulation Agency (England) or the Education Workforce Council (Wales).

**If information gathering is delegated to another member of centre staff, the Head of Centre retains overall responsibility for the process at the centre and reporting to WJEC.**

## 6.2 Activities carried out directly by WJEC

WJEC reserves the right to gather information directly where it feels that it is the most appropriate course of action. The decision about how an investigation is conducted always rests with WJEC. The following outlines a typical approach that would be taken when investigating.

- WJEC would not normally withhold information obtained during the investigation into an allegation of malpractice from the Head of Centre. However, in complying with data protection law WJEC may withhold information about the identity of a source who has asked for their details to remain confidential. In such cases, WJEC will explain why the withheld information cannot be provided.

- Any information that WJEC does not present to the accused (and their Head of Centre, if applicable) will not be presented to the decision-making body, such as a malpractice committee, when they consider whether an allegation of malpractice is proven.
- Occasionally it may be necessary for WJEC to interview a learner during an investigation. If the learner is a minor or a vulnerable adult, WJEC will undertake to do this only in the presence of an appropriate adult.
- When a WJEC officer interviews a member of centre staff, they may be accompanied by a friend or advisor (who may be a representative of a teacher association or union). If the individual being interviewed wishes to be accompanied by a legal advisor, WJEC must be informed beforehand to give them and any other parties the opportunity to have similar support. The person accompanying the interviewee should not take an active part in the interview. In particular, they are not to answer questions on the interviewee's behalf.
- In agreement with the interviewee the meeting will be recorded (audio and/or video) for the purpose of making an accurate record. A transcript of the interview will be made available within 28 days of the interview, and the interviewee asked to confirm its accuracy within 14 days of receipt the recording will then be deleted. The individual being interviewed may also be asked to provide a written statement.. Meetings to gather information may be held in person or remotely.

Full details and guidelines on the procedures for dealing with instances of suspected malpractice are located in the JCQ publication '*Suspected Malpractice Policies and Procedures*'([www.jcq.org.uk](http://www.jcq.org.uk)).

## 7. Decision making and sanctions

A list of sanctions is available in the JCQ publication '*Suspected Malpractice Policies and Procedures*'.

### 7.1 Decisions - candidate malpractice

The decision on candidate malpractice will be made by a member of WJEC's staff. A letter stating the decision made and details of any sanctions applied will be sent to the Head of Centre who must provide the candidate/parent/carer with a copy of the letter. This will give details of the appeals procedure.

### 7.2 Decisions - centre and centre staff malpractice

Centre and staff malpractice decisions will be made by either a WJEC Senior Officer or the WJEC Malpractice Committee. This committee will normally include three individuals, all of whom will have been trained in the JCQ and WJEC Malpractice procedures. The Committee makes its decision based on written information. The individual(s) involved will be given an opportunity to provide a statement for the committee. Centre representatives and/or individuals against whom the case is being heard are not permitted to attend the meetings.

The decision letter including reasons for any sanction(s) imposed will be sent to the Head of Centre. A copy of this letter must be given to each of the individuals involved in the malpractice.

In straightforward cases, for example where the information does not appear to be contested or in doubt, WJEC may invoke a summary procedure to decide on centre or centre staff malpractice. In such cases, a WJEC Senior Officer may decide that malpractice has taken place and impose a sanction or sanctions. Where a sanction is applied under the summary procedure, the individual(s) or centre to whom the sanction has been applied may contest the decision by asking for the matter to be referred to the Malpractice Committee. They have 14 days in which to do so. The Malpractice Committee will consider the matter afresh and may reach different conclusions as to whether malpractice occurred, and it may decide to impose the same, lesser or more severe sanction(s). Should the Malpractice Committee determine that sanctions should be imposed, these will be subject to appeal in accordance with the Appeals process set out in section 8 below.

### 7.3 Sanctions - candidate malpractice

The sanctions which may be imposed against candidates are detailed in the JCQ document *'Suspected Malpractice Policies and Procedures'* and may include a written warning, the withholding of some or all of the marks awarded in an examination/assessment, or withholding of the qualification(s). In more serious cases, sanctions will include the barring of candidates from entering examinations with WJEC. Where appropriate, other JCQ awarding organisations will be informed of the cases and their outcomes.

### 7.4 Sanctions – centre staff malpractice

The sanctions which may be imposed against centre staff are detailed in the JCQ document *'Suspected Malpractice Policies and Procedures'* and may include a written warning, the imposition of special conditions, the requirement for supervision or re-training, or being debarred from involvement in examination/assessment work.

### 7.5 Sanctions - centre malpractice

The sanctions which may be imposed against a centre are detailed in the JCQ document *'Suspected Malpractice Policies and Procedures'* and may include a written warning, the requirement for an action plan, additional monitoring, suspension of certification, suspension of registration and certification, withdrawal of approval for specific qualifications or withdrawal of centre approval.

Wherever centre staff or centre malpractice has affected the outcomes for candidates, WJEC will take appropriate action to safeguard the integrity of assessments and the interests of candidates involved. Where a member of centre staff has a sanction imposed upon them and they move to a different centre, it is the responsibility of the Head of Centre where the malpractice took place to inform the head of the new centre in cases where that sanction is still current.

In cases of centre and staff malpractice where there is an adverse effect WJEC will inform the appropriate regulator - Qualifications Wales in Wales, Ofqual in England or CCEA in Northern

Ireland.

WJEC may inform third parties who have a legitimate interest such as other awarding bodies, the Teaching Regulation Agency or Education Workforce Council. The Head of Centre must consider if they should inform the Teaching Regulation Agency or Education Workforce Council directly.

WJEC does not make any comment to the media about malpractice investigations or decisions.

## 8. Appeals

Applications for appeals against malpractice decisions must be received by WJEC within 2 calendar weeks of receipt of the outcome using the JCQ form '*Application for Appeal*' ([www.jcq.org.uk](http://www.jcq.org.uk)). In the case of candidate malpractice, the appellant (either the Head of Centre or a private candidate) must lodge the appeal. In the case of centre staff malpractice, the appeal should be lodged by the Head of Centre or the individual concerned (appellant).

Appeals must be based on reasonable grounds such as:

- The incident was not dealt with in accordance with the published procedures in the JCQ Suspected Malpractice Policies and Procedures
- The decision was unreasonable in light of the information presented to the Malpractice Committee
- The sanction imposed was disproportionate to the seriousness of the malpractice.
- Further evidence (including medical evidence) has come to light which may change the awarding organisation's decision;

The following do not, by themselves, constitute grounds for appeal:

- The individual did not intend to cheat
- The individual has an unblemished record
- The individual could lose a university or college place
- The individual regrets his/her actions

The appeal application may be refused upon receipt if there is no new information and the grounds for the appeal are weak or unjustified.

**For candidate malpractice appeals**, if there is reasonable evidence, a senior officer, who has not been involved with the original case, will consider the evidence at the Preliminary Appeal stage. The WJEC Appeals Committee would hear the second stage of the appeal at an Appeal Hearing. A letter will be sent to the Head of Centre/private candidate with the decision and justifications. **The centre must provide the outcome to the candidates and their parents/guardian as a matter of urgency.**

**For centre and centre staff malpractice appeals**, if there is reasonable evidence, a senior officer at WJEC (or committee of officers) who has not been involved with the original case may:

- Refer the matter to the Appeals Committee

- Reject the grounds of appeal.

If required, a hearing of the Appeals Committee will be convened to consider the case. The committee will normally include a minimum of three individuals, including at least one independent member who has not worked for WJEC in the past five years. They will not have had any previous involvement with the case and will not have a conflict of interest. WJEC will liaise with the appellant/centre to determine an appropriate date for the hearing.

If the appellant chooses not to attend, the decision will be made based on the written evidence. The secretariat for the Appeals Committee will provide the appellant with a copy of all documents to be considered by the committee. The Chair of the Committee will have the right to decide whether any further evidence would be admissible for tabling at the hearing and whether witnesses could be called.

The procedures of the appeal hearing and information on further avenues for appeal will follow those identified in JCQ's document '*A guide to the awarding bodies' appeals processes*'. The Chair will advise appellants of the process at the start of the hearing.

Further information on appeals is available in the WJEC/Eduqas document 'Guide to appeals' ([www.wjec.co.uk](http://www.wjec.co.uk) / [www.eduqas.co.uk](http://www.eduqas.co.uk)).