



Bardwell School
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The **GALLERY** TRUST



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Malpractice and Maladministration Policy (Exams)

Written: July 2025

Date of review: July 2026

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Reference in the policy to **GR** and **SMPP** relate to relevant sections of the current JCQ publications **General Regulations for Approved Centres** and **Suspected Malpractice - Policies and Procedures**.

Introduction

'Malpractice', means 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 body or centre or any officer, employee or agent of any awarding body or centre (SMPP Definitions)

Malpractice includes maladministration and instances of non-compliance with the regulations, and includes activity such as failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or failures of compliance with JCQ regulations in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms. This list is not exhaustive. (SMPP Definitions)

Bardwell School aims to uphold integrity in assessment while recognising that some learners may unintentionally breach expectations due to communication needs, support arrangements, or misunderstanding. This policy ensures fair and proportionate responses to malpractice and supports all learners and staff to understand and meet expectations.

Purpose of the policy

The purpose of this policy is to confirm how Bardwell School manages malpractice under normal delivery arrangements in accordance with the regulations.

General principles

In accordance with the regulations Bardwell School will:

- Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
- Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation (GR 5.11)
- As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected malpractice - Policies and procedures** and provide such information and advice as the awarding body may reasonably require (GR 5.11)

Candidate malpractice

Where a candidate is known to have SEND or communication needs, any suspected malpractice will be reviewed in the context of their support needs and the clarity of guidance provided. This ensures a proportionate and educational response.

- 'Candidate malpractice' means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper. (SMPP Definitions)

Centre staff malpractice

- 'Centre staff malpractice' means 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. (SMPP Definitions)

Reporting and investigating malpractice

- Where suspected malpractice is identified by the centre, the head of centre will ensure the individual responsibilities are undertaken in accordance with the requirements (SMPP 2.5)
- Where suspected malpractice is identified by the centre, the head of centre will submit full details of the case immediately to the relevant awarding body (SMPP 4.2)
- Form JCQ/M1 (Suspected candidate malpractice) or Form JCQ/M2 (Notification of suspected malpractice/maladministration involving centre staff) will ideally be used to notify an awarding body of an incident of malpractice. (SMPP 4.2)
- Malpractice by a candidate discovered in a controlled assessment, coursework or non-examination assessment component prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will be dealt with in accordance with the centre's internal procedures. The only exception to this is where the awarding body's confidential assessment material has potentially been breached. The breach will be reported to the awarding body immediately. (SMPP 4.2)
- Where appropriate, investigations will also identify whether further staff training or task redesign is needed to avoid recurrence and improve clarity for learners.
- The head of centre/appointed information gatherer will gather evidence into allegations of malpractice and deal with the investigation in accordance with the deadlines and requirements set by the awarding body. (SMPP 6)
- If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of the accused individual. (SMPP 6.13)
- After gathering evidence relating to a malpractice investigation, the head of centre will submit a full written report of the case accompanied by any appropriate documentation to the relevant awarding body. (SMPP 7)

- Form JCQ/M1 or Form JCQ/M3 (Report into suspected malpractice/maladministration involving centre staff) will be used as the basis of the report. (SMPP 7)
- The awarding body will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The head of centre will be informed accordingly. (SMPP 7)

Communicating malpractice decisions

- The awarding body will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. (SMPP 12)
- Once a decision has been made by the awarding body, it will be communicated in writing to the head of centre as soon as possible. (SMPP 13)
- The head of centre will communicate the decision to the individual concerned and to pass on details of any sanctions and action in cases where this is indicated. (SMPP 13)

Throughout any investigation process, Bardwell School will ensure that learners involved are supported emotionally and practically, and are given opportunities to understand the process and its outcomes in an age-appropriate way.

Appeals against decisions made in cases of malpractice

- Information on the process for submitting an appeal will be sent to all centres involved in malpractice decisions. (SMPP 14)

Bardwell School will:

- Provide the individual with information on the process for submitting an appeal, where relevant.
- Refer to further information and follow the process provided in the JCQ publication **A guide to the awarding bodies' appeals processes**

Maladministration

Maladministration is any activity, neglect, default or other practice that results in Bardwell School or the candidate not complying with the specified requirements for delivery of ASDAN qualifications. Maladministration may or may not be deliberate. Malpractice and maladministration overlap. To mitigate against errors in administration, or maladministration, the entry record will be created by the exams officer and checked by the school's business manager/ admin team before and after entry of candidates to any specified award.

Examples of maladministration:

- Incorrect registering of units
- Incorrect candidate names

In the event of an error occurring, the awarding body will be notified immediately.