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ADDRESSING AND PREVENTING MALPRACTICE AHEAD OF THE
SUMMER EXAMS SERIES

As the build up to the summer exams series gathers pace, one area in which centres must have a firm grasp of the regulations is malpractice. Not only must senior leaders, exams officers, candidates and parents/carers be aware of what constitutes malpractice, but they must also know the indicative penalties and how cases of alleged, suspected or actual incidents of malpractice must be dealt with.

[Ofqual statistics](#) revealed an increase in the instances of malpractice in GCSE, AS and A level qualifications for the summer 2022 exam series compared to 2019, with the 4,335 penalties issued to students in 2022, up from 3,040 in 2019. Mobile phone and other communication device offences accounted for 43% of all student penalties. There were 1,845 penalties for this type of offence in 2022, compared with 1,385 in 2019.

In this article, we define malpractice, the role and responsibilities of key individuals, the steps which centres can take to minimise cases of malpractice, and how to deal with instances of malpractice when they do occur.

Before we consider the regulations, it should be noted that the start of the examination is defined as the point that a candidate enters the examination room, and therefore, any activity beyond this point and time is subject to Joint Council for Qualifications (JCQ) regulations – unless otherwise stated by an awarding body.

Centres should be aware that those candidates engaging in malpractice will, very likely, be disturbing those around them and preventing these candidates from performing to the best of their ability. For this reason alone, it is imperative that all instances of malpractice are dealt with effectively, efficiently and in line with JCQ and awarding body regulations.

What is malpractice?

Malpractice can take many forms and can be committed by a range of individuals.

Within JCQ's *Suspected Malpractice: Policies and Procedures* publication, malpractice (and maladministration) is defined as any act, default or practice which is:

- a breach of the *Regulations*; and/or
- a breach of awarding body requirements regarding how a qualification should be delivered; and/or
- a failure to follow established procedures in relation to a qualification

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

See Appendix 1 for specific examples of malpractice.

Malpractice may be intentional to gain an advantage, unintentional due to a lack of awareness of the regulations, or as a result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the supervision of candidates is disrupted).

Individuals who may commit malpractice/maladministration

Although the vast majority of cases of malpractice involve **candidates** (4,335 penalties were issued to students in 2022), they are not the only perpetrators.

In 2022, 340 penalties were issued for **staff malpractice**. This included teachers, lecturers, tutors, trainers, assessors or others responsible for the conduct, administration or quality assurance of examinations and assessments including examination officers, invigilators and those facilitating access arrangements (e.g. readers, scribes and practical assistants).

Sixty penalties were issued in 2022 for **centre malpractice**. The largest proportion of these penalties were for maladministration (57%), followed by breach of security (41%)

Where there is evidence that malpractice is the result of a serious management failure, an exam board may apply sanctions against a whole department or a school or college.

Although rare in their nature, it is also possible for assessment personnel such as examiners, assessors, moderators or internal and external verifiers to be involved in malpractice, as it is for other 'third parties' such as parents/carers, siblings or friends of the candidate.

Roles and responsibilities

Head of centre

JCQ are clear that the responsibility in reporting alleged, suspected or actual incidents of malpractice involving candidates, teachers, invigilators or other administrative staff lies with the head of centre. Its Notice to Centres – malpractice states:

- Heads of centres are responsible for reporting to the relevant awarding body all alleged, suspected or actual incidents of malpractice involving candidates, teachers, invigilators or other administrative staff
- Heads of centre must notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in controlled assessments, coursework or non-examination assessment before the authentication forms have been signed by the candidate
- Failing to report all alleged, suspected or actual incidents of malpractice in examinations and assessments to the appropriate awarding body is in itself

malpractice. This may result in sanctions being applied against the head of centre and/or the centre

- Centres must co-operate with awarding bodies by reporting alleged, suspected or actual incidents of malpractice, which is essential in guaranteeing the fairness of the public examinations system for all.

Exams officers

Naturally, the exams officer will be one of the lead individuals within a centre in relation to minimising, dealing with and supporting the reporting of any malpractice.

The exams officer will ensure that staff and candidates are made aware of JCQ and awarding body requirements relating to malpractice and the indicative sanctions when an alleged, suspected or actual incident of malpractice occurs within their centre.

Although the head of centre will sign the relevant form which is sent to the awarding body following an alleged, suspected or actual incident of malpractice (JCQ/M1 to report suspected candidate malpractice and JCQ/M2 to notify of suspected malpractice/maladministration involving centre staff) it will likely be exams officer who collates the necessary evidence in respect of a candidate and provides the accused with the information which has been reported to the relevant awarding body.

Invigilators

It is a JCQ requirement that all invigilators – new and experienced – are trained, updated and tested to ensure their understanding of the regulations contained within the Instructions for conducting examinations publication. These Instructions clearly set out what an invigilator must do before, during and after an examination and what they can/cannot do in an examination when supervising candidates. Any actions contrary to those set out in the Instructions for conducting examinations will constitute malpractice on the part of the invigilator.

Invigilators will deal with instances of malpractice as they may occur, so training should also include how these cases – intentional or unintentional – should be dealt with.

Teaching staff

Staff who teach subjects which include non-examination assessment or coursework must be aware of the regulations relating to these assessments. However, it should be the responsibility of all teaching staff to make students aware of formal examination conditions, and what is/is not permitted in the examination room – from behaviour to examination materials and what the invigilator can/cannot say whilst supervising them during the examination.

All centre staff must also be made aware of JCQ's [Notice to Centre: The people present in the examination room](#) which details who can/cannot be present in the examination room and their role.

How to minimise incidents

The aim for all centres is to minimise instances of malpractice during an exams series. The following five steps will help a centre in meeting this target:

1. Assemblies/student briefings

Centres should host assemblies or student briefings for exam cohorts at the start of each academic year, prior to the taking of non-examination and/or coursework assessments and before an exams series to highlight JCQ rules during the conducting of examinations and assessments.

The Exams Office has produced a series of support materials – including an [animated video which details the instructions](#) as set out in JCQ's [Information for candidates – written exams 2022-2023](#) – which could be shown during an assembly/ briefing.

By highlighting examination regulations on a regular basis to candidates who will be engaging in examinations taken under JCQ regulations, centres will be reducing the instances of unintentional malpractice and highlighting the penalties to those students who may be intending to engage in malpractice (see Appendix 2 for selected indicative sanctions against candidates).

2. Utilising class time/staff support

Teaching staff should use class time ahead of an exams series or the taking of non-examination /coursework assessments to highlight the examination regulations – and sanctions to candidates. This should also include detailing specific examination materials which may be permitted for that subject.

3. Utilising mock/internal examinations

It is good practice for centres to deliver at least one series of mock/internal examinations under JCQ regulations.

Not only will this ensure familiarity for students ahead of the summer exams series, but this is also an opportunity to 'test' invigilators (and their competency in applying the regulations and dealing with instances of malpractice) in a 'live' examination scenario.

It is also advisable for any cases of malpractice to be dealt with by informing parents/carers and highlighting the indicative sanction(s) which may apply if the behaviour/action is repeated during the summer exams series.

4. Involving parents/carers

It may be useful to involve parents/carers in stressing the importance of following JCQ regulations to their child ahead of an examination series. This can be done via the centre website, newsletters, or during parents' evenings.

By making parents/carers aware of what constitutes malpractice, and the indicative sanctions, not only will the centre be acquiring their support in emphasising the regulations to their child, but this will also make it less likely for a parent/carer to be in disagreement with the centre if/when their child is reported for engaging in an alleged, suspected or actual incident of malpractice.

5. Website

Centres should highlight the regulations relating to malpractice and the indicative sanctions if a candidate does engage in malpractice.

It is also recommended that the centre details the steps which will be taken following such an incident, and stresses that the final decision rests with the awarding body who will only engage with the centre in respect of any instances of malpractice.

What to do if/when malpractice occurs

There should be no doubt over what centres must do when instances of alleged, suspected or actual malpractice occur.

Candidates must be made aware of the JCQ regulations and that breach of these constitutes malpractice. They should also be informed of the contents of the [Warning to Candidates poster](#), and that these conditions apply from the moment they enter the examination room – which is also the formal start of the examination.

This means that if a candidate talks to, attempts to communicate with or disturbs other candidates once they have entered the examination room, they are engaging in malpractice. This must be recorded by the invigilator on the [exam room incident log](#) and reported to relevant awarding body/bodies.

All instances of malpractice – even those which are alleged or suspected – must be reported to the relevant awarding body who will make any decisions relating to the incident.

Centres must not assume that they can deal with instances of malpractice internally and must be aware that a failure to report any alleged, suspected or actual instances of malpractice constitutes malpractice itself.

It is the role of the **invigilator** to record and deal with any incidents in the examination room, including instances of malpractice. In serious cases of malpractice – particularly those which are intentional – the exams officer must be summoned to the examination room immediately.

The **exams officer** will address the issue with the candidate and should collate information relating to the incident which will be included with the relevant report. It is also recommended that the exams officer completes the [Suspected Malpractice: Candidate Notification Form](#) which notifies a candidate that an alleged, suspected or actual report of malpractice is being made against them, and the rights of the accused individual (see Appendix 2).

The **head of centre** must sign all JCQ/M1 forms (this can be electronic as in submitting the form from the centre's registered email address will be accepted in place of a signature) before they are submitted to the relevant awarding body.

Although it is likely that all correspondence from the awarding body will be sent to the head of centre, in many centres it is the role of the exams officer to keep the candidate informed of any subsequent correspondence, including final outcomes and decisions, received by the head of centre from the awarding body.

Conclusion

The fact that malpractice is not a major issue within the examination system is testament to the efforts of exams officers, heads of centres and invigilators in centres across the country.

However, as the [2022 Exams Officer survey](#) revealed, there were instances of candidate and staff malpractice in 54% of centres. This is not replicated in the data published by Ofqual which suggests much fewer instances of malpractice. Therefore, it may be concluded that some cases of malpractice – perhaps 'lower levels' or 'minor' instances – are not being reported.

If this is the case, then this is, in itself, malpractice.

Centres must be aware that all cases of malpractice – however minor – must be reported.

One of reasons why the UK has a world-leading examination system is due to the rigour under which examinations and assessments are conducted. The regulations as set out by the JCQ and the awarding bodies ensure that there is confidence in the security and integrity of our examination system. The way in which malpractice is addressed also helps to maintain this confidence amongst candidates, parents, further and higher educational establishments and employers.

The importance of well-run examinations – in accordance with clear and well-established regulations – should not be underestimated, for not only do they support good quality teaching and learning, but they also explain why the qualifications achieved by students in this country are recognised across the world.

Appendix 1

Specific examples of malpractice

(see [Suspected Malpractice: Policies and Procedures](#), Appendix 2 for further examples, and *Illustrations of malpractice* (and outcomes) Appendix 7)

Type of malpractice	Examples
Breach of security	<p>Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents.</p> <p>For example:</p> <ul style="list-style-type: none"> • Failing to keep examination material secure prior to an examination • Discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g. internet forums/social media
Deception	<p>Any act of dishonesty in relation to an examination or assessment.</p> <p>For example:</p> <ul style="list-style-type: none"> • Inventing or changing marks for internally assessed components (e.g. non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded • Manufacturing evidence of competence against national standards
Improper assistance to candidates	<p>Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment.</p> <p>For example:</p>

	<ul style="list-style-type: none"> • Assisting candidates in the production of controlled assessment, coursework, non-examination assessment or portfolios, beyond that permitted by the regulations • Sharing or lending candidates' controlled assessment, coursework or non-examination assessment with other candidates in a way which allows malpractice to take place • Assisting or prompting candidates with the production of answers
Failure to co-operate with an investigation	<p>For example:</p> <ul style="list-style-type: none"> • Failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or • Failure to investigate or provide information according to agreed deadlines; and/or • Failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding body
Maladministration	<p>For example:</p> <ul style="list-style-type: none"> • Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or malpractice 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, etc. • Failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with the JCQ publications • Failing to issue to candidates the appropriate notices and warnings, e.g. JCQ Information for candidates documents • Failing to post notices relating to the examination or assessment outside all rooms (including Music and Art rooms) where examinations and assessments are held • Not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions for conducting examinations
Candidate malpractice	<p>For example:</p> <ul style="list-style-type: none"> • a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations

	<ul style="list-style-type: none"> • Accessing the internet or online materials during remote assessment and remote invigilation, where this is not permitted • Copying from another candidate (including the use of technology to aid the copying) • Allowing work to be copied, e.g. posting work on social networking sites prior to an examination/assessment • Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language) • Impersonation • Plagiarism
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Appendix 2

Indicative sanctions against candidates (selected instances of malpractice)

(see [Suspected Malpractice: Policies and Procedures](#), Appendix 6 for further examples)

Please note that repeated offences may result in an escalation in sanctions.

Type of offence	Warning (Sanction 1)	Loss of marks (Aggregation still permitted) (Sanctions 2-4)	Loss of aggregation or certification opportunity (Sanctions 5-9)
Mobile phone or similar electronic devices (including iPod, MP3/4 player, memory sticks, smartphone, smartwatch, airpods, earphones and headphones)	Not in the candidate's possession but makes a noise in the examination room	In the candidate's possession but no evidence of being used by the candidate	In the candidate's possession and evidence of being used by the candidate
Watches (not smartwatches)	In the candidate's possession		
A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination rules and regulations	Minor non-compliance: e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop	Major non-compliance: e.g. refusing to move to a designated seat; significant amount of writing after being told to stop	Related non-compliance

<p>Disruptive behavior in the examination room or assessment session (including use of offensive language)</p>	<p>Minor disruption lasting a short time; calling out, causing noise, turning around</p>	<p>Repeated or prolonged disruption; unacceptably rude remarks; being removed from the examination room; taking another's possessions</p>	<p>Warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property</p>
<p>Copying from another candidate or allowing work to be copied (including the misuse of technology)</p>	<p>Lending work not knowing it would be copied</p>	<p>Permitting examination script/work to be copied; showing other candidates' answers</p>	<p>Copying from another candidate's script, controlled assessment, coursework, non-examination assessment; borrowing work to copy</p>
<p>Personation</p>			<p>Deliberate use of wrong name or number; personating another individual; arranging to be personated</p>
<p>Use of social media for the exchange and circulation of real or fake assessment material</p>	<p>Attempting to source secure assessment related information online/via social media</p>	<p>Accepting/receiving real or fake assessment related information via social media without reporting it to the awarding body</p>	<p>Misuse of assessment material (real or fake) including: attempting to gain or gaining prior knowledge of assessment information via social media; improper disclosure of real or fake assessment information; passing or distributing real or fake assessment related information to others.</p>

Standard sanctions

1. Warning
2. Loss of all marks gained for a section
3. Loss of all marks gained for a component
4. Loss of all marks gained for a unit
5. Disqualification from the unit
6. Disqualification from all units in one or more qualifications taken in the series
7. Disqualification from the whole qualification
8. Disqualification from all qualifications taken in that series
9. Barred from entering for examinations for a set period of time

The contents of this article were correct at the time of publication (End of January 2023)