

Preventing Malpractice in **General and Vocational Qualifications**

Guidance for SENCOs

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1 Introduction

The purpose of this document is to provide guidance and support to SENCos in centres offering CCEA qualifications. Its aim is to support you as the SENCos in the prevention, reporting and investigation of incidents of malpractice.

This guide should be read in conjunction with the current Joint Council for Qualifications (JCQ) documents.

- **Suspected Malpractice: Policies and Procedures** and
- **Adjustments for Candidates with Disabilities and Learning Difficulties: Access Arrangements and Reasonable Adjustments**

These are available at www.jcq.org.uk and will be provided by your centre.

You should also read all JCQ and CCEA instructions and regulations that relate to any other area of responsibility in your centre. All JCQ regulations and instructions are updated annually, so make sure you know and understand the most recent version.



2 What is malpractice?

JCQ regulations explain that malpractice, which includes maladministration and non-compliance, means any act, default or practice which is in breach of CCEA and/or JCQ regulations: and/or

- a breach of the 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 bodies or centre or officer, employee or agent of CCEA or a centre.



Failure by a centre to notify, investigate and report to CCEA allegations of malpractice or suspected malpractice or a failure to take action as required by CCEA or to co-operate with CCEA's investigation also constitute malpractice.

Staff malpractice

This is malpractice committed by a staff member that gives rise to prejudice to candidates and/or compromises public confidence in qualifications and/or may compromise the process or integrity of any assessment, result or certificate and/or cause reputational damage to the centre or related bodies or personnel.

The term staff includes:

- a member of staff, contractor (whether engaged under a contract of employment or contract for services) or a volunteer at a centre; or
- an individual appointed in another capacity by a centre, for example an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe.



3 The role of the SENCo in preventing malpractice

There are a number of guidance documents available on the JCQ website that provide vital information for the conduct of examinations and assessments in a centre. Knowledge and implementation of the information contained within these documents protects you, as SENCo, from committing malpractice.

You must make yourself familiar with the JCQ and CCEA regulations that relate to your SENCo responsibilities in any assessment or examination delivery or conduct in your centre. It is your responsibility to be aware of the appropriate regulations in relation to this area and any other area for which you have responsibility. JCQ is clear that ignorance of the regulations will not, of itself, be considered a mitigating factor in a malpractice case.

There are a number of things you can do to support malpractice not taking place in your centre. Some examples are listed below.

3.1 Access Arrangements prior to assessment and examinations

The JCQ Access arrangements and Reasonable Adjustments regulations reflect a whole centre approach to access arrangements and reasonable adjustments. It is the responsibility of the Head of Centre, members of the senior leadership team, the SENCo/assessor(s) to familiarise themselves with the entire contents of the document. The Head of Centre must ensure that the SENCo has sufficient time to both manage the access arrangements process within the centre and familiarise him/herself with this JCQ publication.

The **Access Arrangements, Reasonable Adjustments and Special Consideration** regulations are designed to facilitate access to qualifications for candidates who have particular requirements, which are set out in two categories:

- Access Arrangements are agreed **before** an examination or assessment and are intended to allow attainment to be demonstrated. Access arrangements are the principal way in which awarding bodies comply with the duty to make reasonable adjustments so that assessment arrangements do not put a disabled candidate at a substantial disadvantage in comparison with a candidate who is not disabled. An example of a reasonable adjustment would be the provision of a Braille paper for a candidate with a visual impairment who could read Braille;
- Special Consideration is a post-examination adjustment to a candidate's mark or grade to reflect temporary illness, temporary injury or some event outside of the candidate's control at the time of the assessment, which has had, or is reasonably likely to have had, a material effect on a candidate's ability to take an assessment or demonstrate his or her normal level of attainment in an assessment.

Staff administering and facilitating access arrangements/reasonable adjustments for candidates must be trained before involvement in this work and should make sure they carry out all duties in line with the requirements of the JCQ **Access Arrangements and Reasonable Adjustments** guidance. As SENCo you will most likely be the main facilitator of access arrangements/reasonable adjustments and you should ensure that your centre has provided you with appropriate training. Where a centre is under a duty to make a reasonable adjustment, it **must not** charge a disabled candidate any additional fee in relation to the adjustment or aid.



As SENCo you must be familiar with using Access Arrangements Online whereby you will be required to make an online application for each candidate requiring access arrangements/reasonable adjustments. You will be provided with an immediate response. You are advised that Access Arrangements Online should be used in conjunction with the JCQ Regulations relating to **Access Arrangements and Reasonable Adjustments**.

It is your responsibility as SENCo to familiarise yourself with the entire contents of JCQ **Access Arrangements and Reasonable Adjustments**. You must also ensure that all required paperwork, including evidence of candidate need, is kept on file by the centre and is available for review during inspection visits.

Candidates may not require the same access arrangements/reasonable adjustments in each specification. You should consider the need for access arrangements/reasonable adjustments on a subject by subject basis. Subject Heads of Department will be required to liaise fully with you when planning for examinations and assessments. Subject teachers should be made fully aware of any access arrangements/reasonable adjustments which need to be applied during an assessment session.

Access arrangements should be processed at the start of the course, having already firmly established a picture of need and normal way of working during Years 8-10. It is important that as SENCo you understand that the arrangements you put in place must reflect the on-going support given to the candidate in the centre. This is commonly referred to as the 'normal way of working'. For candidates with learning difficulties this is typically the background information which you, as SENCo, record within part 1 of form 8.

In order to protect yourself from any possible allegation of malpractice you must be able to show evidence that the candidate has had a history of support and provision. The arrangement must not be suddenly granted to the candidate at the time of his/her examinations unless as a consequence of a temporary injury or impairment. It is your responsibility to work with teaching staff, support staff and exams office personnel to ensure that approved access arrangements/reasonable adjustments are put in place for internal school tests, mock examinations and examinations. You must ensure that the candidate has had appropriate opportunities to practise using the access arrangements/reasonable adjustments before his/her first external examination or assessment. If this is not the normal way of working for the candidate, (you have monitored the use of the arrangement in internal school tests and mock examinations) then you should consider withdrawing the arrangement, provided the candidate will not be placed at a substantial disadvantage.

Arrangements must always be approved before an examination or assessment. All GCSE and GCE centres will be inspected by a member of the JCQ inspection service. Inspectors will expect to see appropriate documentation to substantiate the use of an access arrangement processed electronically.

When an access arrangement/reasonable adjustment has been processed online and approved, for GCSE and GCE qualifications, the evidence of need must be made available by you to a JCQ Centre Inspector. This can be produced and retained in hard copy paper format or electronically.

If a JCQ centre inspection reveals deficient performance by a centre in respect of its role in identifying the needs for, requesting and/or implementing access arrangement/reasonable adjustment, CCEA could withdraw approval for a centre.



Requests for supervised rest breaks

Supervised rest breaks during an assessment may be provided for a candidate if this is his/her normal way of working within the centre. It is not necessary to process an application for this through Access Arrangements Online. However, for GCSE and GCE qualifications, you must produce a short concise file note confirming the nature of the candidate's impairment, and that supervised rest breaks reflect his/her normal way of working within the centre. This file note should be on centre headed paper and signed and dated. Further details of when supervised rest breaks may be appropriate can be found in JCQ's booklet Access Arrangements and Reasonable Adjustments.

Allowance of Extra Time

You should be familiar with the regulations in relation to the allocation of additional time and understand that this must include core evidence, must reflect the candidate's normal way of working and clearly demonstrate the need for the additional time. Any documentation presented for inspection purposes must show a compelling case for the extra time with a clear and detailed picture of current need. This arrangement must not suddenly be granted to the candidate at the time of his/her examination or assessment.

An evidence checklist may assist you in capturing that these arrangements were in fact a 'normal way of working in lessons'. As good practice, for example, you should consider devising a standard template within which teachers are asked to provide a signed statement to confirm that this candidate has used a reader / scribe / had extra time / not finished in the time allowed / used word processing, as a 'normal way of working in lessons'.

As SENCo it is your responsibility to ensure that evidence is kept for each candidate individually and must be available for the JCQ Inspector.

If this is not your direct responsibility in your centre then you should be aware of who in your centre is responsible for the following steps:

- collecting and collating evidence of 'normal way of working' in lessons;
- collecting and collating evidence of 'normal way of working' in tests, controlled assessments and internal exams.

Failure to comply with these regulations may constitute malpractice. Examples of failure to comply include:

- putting in place access arrangements/adjustments that are not approved; or
- failing to consider putting in place access arrangements (which may be a failure to comply with the duty to make reasonable adjustments); or
- arrangements/adjustments within the centre which are not supported by appropriate evidence; or
- charging a fee for providing reasonable adjustments to disabled candidates.

Special Considerations

Special considerations and a post-examination adjustment are separate issues not to be confused with Access Arrangements. A centre can apply for special considerations for a candidate in exceptional or adverse circumstances such as bereavement, serious illness or accident. Any applications made for special considerations would need to be supported by evidence.



3.2 Examinations

All staff involved in examination delivery must be familiar with and abide by the requirements for conducting examinations as specified in the **JCQ Instructions for Conducting Examinations**.

If this is not your direct responsibility as SENCo, in your centre, you should be familiar with who has responsibility for the following steps:

- deploying additional adults needed for access arrangements;
- arranging room and computer access.

Candidates with access arrangements must be identified on the seating plan and invigilators must be aware, in advance of the examination, which candidates have been granted extra time to complete their examination and those with supervised rest breaks.

As SENCo you do not enter the exam room unless you have been given permission by your Head of Centre to do so.

Appropriate arrangements must be in place to maintain the security of all confidential examination and assessment materials as detailed in the booklet **Instructions for Conducting Examinations** and the JCQ video **Question Paper Security**.

Where a candidate requires a computer reader (and prior approval for the arrangement has been granted by Access Arrangements Online) or a question paper on coloured/enlarged paper the Examination Officer is permitted to open the paper in the secure room within 90 minutes of the published starting time for the examination. However, it is strongly recommended that a PDF question paper is ordered using Access Arrangements Online: **Central Login for Exams Officers | CCEA**. You, as SENCo, will need to ensure that you are aware of the deadlines for submitting applications for access arrangements and orders for modified papers as these must be processed and approved before an examination or assessment takes place.

Where you have granted the candidate a Communication Professional and/or a Live Speaker the Communication Professional may have access, from the Examinations Officer, to the question paper 60 minutes prior to the published starting time for the examination and the Live Speaker may have access to the transcript of the listening examination 60 minutes prior to the published starting time for the examination in order to prepare.

There are some general principles for the invigilation of candidates with access arrangements/ reasonable adjustments. Where a person is appointed to facilitate an access arrangement (i.e. a Communication Professional, a Language Modifier, a practical assistant; a prompter; a reader; or a scribe.) that person must be acceptable to the Head of Centre and must not normally be the candidate's own subject teacher, own learning support assistant, or a relative, friend or peer of the candidate. You must provide appropriate training for the appointed person, ensuring that he/she fully understands the rules relating to this specific access arrangement/reasonable adjustment. You must retain a record of the training provided.

Failure to comply with these regulations may constitute malpractice.



3.3 Preventing candidate malpractice

Candidates rely on centre staff to establish parameters that will protect them from malpractice. You have the knowledge of the risks specific to your role as SENCo and have the expertise to guide candidates in order to protect them from possible malpractice.

Where candidates choose to ignore the rules, this will be progressed as candidate malpractice. Where the rules have not been put in place or enforced, resulting in the integrity of the candidate assessment being compromised, this may be progressed as staff malpractice.



4 What happens if malpractice is suspected?

Where SENCoS breach the regulations for examinations this must be investigated and CCEA may apply penalties.

Should you find yourself the focus of an allegation of malpractice, you will be advised of the process by those investigating the allegation. If you find yourself in this situation, make yourself aware of the JQC **Suspected Malpractice: Policies and Procedures**.

Any individual accused of alleged malpractice must be made aware of the detail of the allegation and his/her rights within the process. He/she will be made aware of any evidence to support the allegation and the information your centre/the investigator will be submitting in your case. He/she must have the opportunity and sufficient time to respond and provide a statement and can make an additional statement after he/she has reviewed the investigation findings for submission.

You will be interviewed by your employing school/college and asked to provide a signed written statement that will be sent to CCEA. Statements will also be taken from any witnesses, such as invigilators, students and relevant school staff.

Other evidence will be gathered appropriate to the category of malpractice.

Where exceptional circumstances may have influenced the reason for malpractice, you should inform the Head of Centre, who will determine if this is relevant to be submitted to CCEA as mitigation.

As SENCo you also may be asked to make a statement in relation to a staff or candidate malpractice case or provide evidence for a centre investigation. Failure to co-operate with an investigation is in itself malpractice.

A report of the school/college's investigation, along with all the supporting evidence, will be sent to CCEA for consideration and action will be taken in line with JQC procedures.



5 What happens if malpractice is found to have been committed?

Once a decision has been made, it will be communicated in writing to your Head of Centre as soon as possible. CCEA will inform your Head of Centre of any penalties to be applied to you, and he/she will tell you and support you should this happen.

It is the responsibility of the Head of Centre to communicate the decision to you as the individual concerned and to pass on details of any sanctions/penalties and action in cases where this is indicated. The Head of Centre must also inform you if you have the right to appeal.

The majority of malpractice cases are usually confidential between the centre, you as the individual who engaged in the malpractice and the awarding body.

However, in cases of serious malpractice, where the threat to the integrity of the examination or assessment is such as to outweigh a duty of confidentiality, it will normally be necessary for information to be exchanged amongst:

- the regulators;
- other awarding bodies;
- other regulatory or investigative bodies; and
- other centres where the malpractice may affect the delivery of an awarding body's qualification.

In accordance with the requirements of the General Conditions of Recognition, the awarding body will report cases of centre staff malpractice to the regulators if the circumstances of the case are likely to meet the definition of an Adverse Effect as defined in Condition B3.2 of the General Conditions of Recognition. This will include details of the action taken by the Head of Centre, the governing body or the responsible employer. Other awarding bodies and other appropriate authorities will also be informed.

In serious cases of centre staff malpractice, the awarding bodies reserve the right to share information with professional bodies.

It is the responsibility of the Head of Centre to inform the accused individual that the awarding body may share information with other centres and other awarding bodies.

If the penalty imposed contains a suspension you are responsible for informing the awarding body when you will be resuming your duties.



6 Appeals

When a malpractice penalty is imposed on you following an investigation, you will have the opportunity to appeal in line with the JCQ **Appeals** procedure.

You or your Head of Centre may appeal if a sanction is imposed on you as a result of malpractice. This decision will be based on your school/college's internal policies.

7 Useful links

You will find all JCQ guidance relevant to your responsibilities in your centre at:

www.jcq.org.uk/exams-office

8 Contacts

If you have any concerns in relation to malpractice, you should speak to your Head of Centre in the first instance.

For other queries or matters relating to malpractice which are not addressed by your Head of Centre or in JCQ procedures, please contact **malpractice@ccea.org.uk**



