



west lothian
college

Academic Malpractice Policy and Procedure

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History of Changes

Version	Description of Change	Authorised by	Date
1.1	Minor rewording and updating from September 2016 version. Inclusion of statement regarding OFQUAL as regulatory body of C&G, pg 10	J Stalker	21-10-16
1.2	Addition to College Employees section: ➤ Fraudulent Resulting ➤ Misrepresentation of Academic Progress	J Stalker	30 March 2017
1.3	Update to notification process for City and Guilds in line with May 2018 guidance	J Stalker	25-6-18
1.4	Update to reflect C&G update to malpractice guidance in September 2018 on page 12	J Stalker	2-11-18
1.5	Update page 9 to reflect C&G requirement to shorten timescale of notification from 10 working days to immediate	J Stalker	3-10-19
1.6	Update page 12 Related Documents section to reflect changes in awarding body policy structures Minor reformatting	J Stalker	28-1-2020

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Please see end of this document for EIA.

Content

Introduction	1
Scope	1
Definition.....	1
Malpractice	1
Key Principles	3
Process	4
Reporting	7
Responsibilities.....	9
Related Documents.....	11
Appendix 2.....	13

Introduction

This policy and procedure sets out processes the College will follow if there is a suspicion of malpractice on the part of students or staff, or maladministration on the part of the organisation. The procedure covers investigation, reporting and potential sanctions where malpractice or maladministration has been alleged. Its purpose is to maintain the integrity of academic awards and procedures, and comply with ethical standards of all awarding bodies. The procedures will ensure consistency of approach by all members of staff and supplement the college's disciplinary procedures.

Scope

This document covers malpractice and maladministration for all activities relating to all awarding bodies for which the College is accredited.

This document complies with the requirements of awarding bodies operating in Scotland under the regulatory authority of the SQA.

The College also offers programmes leading to certification by UK-wide awarding bodies. For these awards the malpractice policy and procedure complies with the requirements of the Joint Council for Qualifications.

Definition

Malpractice is defined as any deliberate activity, act, neglect, default or other practice by an individual that deliberately or wilfully contravenes or ignores the requirements of an awarding body, or deliberately or wilfully subverts or compromises the integrity, validity or reliability of any assessment process and/or the validity of any awarded certificates. For the purposes of this document the definition of malpractice also covers maladministration.

Malpractice

West Lothian College will put in place measures to deter and detect any learner attempting to obtain an unfair academic advantage. Any learner suspected of misconduct will be investigated and subject to disciplinary procedures, if proven.

Similarly, the College will investigate any suspicion of malpractice by a member of staff or arising from the administration practices of the centre. Staff will be subject to disciplinary procedures, if proven.

Examples of actions that may constitute malpractice are listed below. These are examples and the College reserves the right to consider as malpractice other actions not listed but falling under the definition of malpractice set out in the policy.

Students

- **Collusion** – Colluding with others when an assessment must be completed by individual candidates. Copying work from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- **Frivolous content** – Producing content which is unrelated to the exam, assessment or coursework.
- **Misconduct** - Behaviour in the examination room that causes disruption to others. This includes talking, shouting, abusive and/or aggressive behaviour and/or language, and having an unauthorised electronic device that emits any kind of sound in the examination room.
- **Offensive content** - Content in scripts or coursework that includes vulgarity and swearing outwith the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia).
- **Impersonation** - Assuming the identity of another candidate or a candidate having someone assume his/her 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** – The physical possession of prohibited materials during an assessment (including mobile phones, mp3 players, notes etc.) in the examination room.
- **Vandalism or Destruction** - Deliberate interference with or destruction of another student's work for assessment.
- **Removal of Controlled Condition Assessment Instruments** – The taking of Controlled Condition Assessment Instruments such as closed-book assessments and HN Graded Unit exams from the place of assessment

College employees

- **Discrimination** - Unfair discrimination in assessment (for example, on the grounds of disability, age, gender, sexual orientation, ethnicity, religion or belief.)
- **Failure to Assess** - Deliberate or wilful failure to assess in accordance with the assessment criteria or other assessment requirements within the agreed timetable for assessment and certification.
- **Collusion** - Assisting or prompting students with the production of answers during summative assessment.
- **Noncompliance** - Failure to comply with the conditions for assessment set out by the awarding body.
 - The unauthorised amendment, copying or distributing of exams or assessment instruments.
 - Failure to prevent students from removing controlled conditions assessment instruments from the place of assessment.
 - Failure to record results accurately and promptly on the completion of assessments.

- **Vandalism or Destruction** - Deliberate interference with or destruction of a student's work for assessment.
- **Fraudulent resulting** – Deliberate falsification of student records to allow certification to take place when standards have not been met and verification has not taken place.
- **Misrepresentation of academic progress** - Deliberate miscommunication of progress and/or results to students.

College

- **Insecurity** - Failure to provide appropriate facilities for the security of assessment and of assessment records or the loss, theft of or a breach of confidentiality in any assessment materials.
- **Failure to Keep Accurate Records** - Failure to provide accurate assessment records of students to the appropriate awarding body or any person acting on behalf of the awarding body. Failure to register students with the appropriate awarding body, therefore preventing students from obtaining their units or qualification. Not maintaining appropriate auditable records, e.g. for certification claims and/or forgery of evidence.
- **Failure to Assess** - Failure to carry out internal assessment or internal verification in accordance with awarding body requirements.
- **Collusion** - Permitting collusion in exams or assessments.
- **Falsification** - Deliberate submission of false information to gain a qualification or unit.
- **Discrimination** - Failure to adhere to the requirements of the Reasonable Adjustments.

Any persons

- **Forgery** of certificates.
- **Threats** or inducements to any person involved in the assessment process intended to influence the outcomes of assessment.
- **Permitting** incidents with the intention and aim of give an unfair advantage in an examination or assessment

Key Principles

Students

Course teams should take positive steps to prevent or reduce the occurrence of learner malpractice.

These include:

- Using the induction period to inform learners of the College's policy on malpractice and the penalties for attempted and actual incidents of

malpractice.

- Prevent inadvertent plagiarism by showing learners the appropriate formats for referencing cited text and other materials or information sources including websites.
- Informing all learners of the extent to which they can collaborate in course work. This should be made clear in the instrument of assessment, in writing. The Student Declaration and Student Malpractice Agreement will be used to support this.
- The Student Declaration will be used to confirm that submitted work is the student's own and not copied from any other source.
- Getting to know their learners' styles and abilities and being alert to any submissions that seem out of character for that individual.
- Storing assessment materials securely.
- Controlling and altering assessments on a regular basis in line with the College's assessment and IV policies.
- Preparing students well for assessments and giving them advance notice and guidance on the times, dates and conditions of assessment.
- Knowing the awarding body's rules and regulations for assessment and malpractice.
- The College requires the use of Turnitin for lecturers to check HN assessment work for instances of plagiarism.

Assessments undertaken in controlled conditions

Staff should ensure:

- That controls are installed to prevent learners from accessing and using other people's work.
- That learners do not take prohibited material into an examination room.
- They supervise the session and monitor for any form of collusion or cheating.
- They assess work for a single assignment/task in a single session for the complete cohort of students or use difference assessment instruments on different occasions.

Staff and College

All staff responsible for the administration and deployment, marking, checking and resulting of assessments for an awarding body should ensure that they are familiar with that awarding body's rules and regulations for assessment. These are available from awarding body websites and should be included in control folders.

Process

Where Malpractice is Alleged or Suspected

Internal Assessment prior to submission of results to the awarding body

Where a member of staff suspects a student of malpractice during the assessment or during marking and before the submission of results to the awarding body then the evidence should be investigated under the Student Positive Behaviour and Discipline Procedure.

Where it is proven that malpractice has occurred the appropriate sanctions should be applied up to permanent exclusion from College and the awarding body informed. The additional sanction of loss of credit for the unit undertaken should also be applied.

Internal Assessment following submission of results to the awarding body

Where a member of staff uncovers evidence of malpractice after results have been submitted to the awarding body the Head of Service: Quality and Learner Services should be informed. The Head of Service: Quality and Learner Services will inform the awarding body who will instigate their own procedures. This may include an investigation conducted within the College under the direction of the designated investigator as detailed in the Student Positive Behaviour and Discipline Procedure and in compliance with the awarding body's requirements. The awarding body may apply sanctions depending on the outcome of the investigation.

Where the student is still enrolled at the College they will also be subject to investigation under the College's disciplinary procedures, and where the allegation of malpractice is proven, sanctions may be applied up to and including permanent exclusion.

External Assessment

Where student malpractice is alleged or suspected during an external assessment event then the Head of Service: Quality and Learner Services must be informed and he/she will then inform the awarding body. The College will be required to undertake an investigation under the awarding body's policy following their procedure. The investigation will be conducted under the direction of the Principal. The awarding body may apply sanctions depending on the outcome of the investigation.

Where the student is still enrolled at the College they will also be subject to investigation under the College's disciplinary procedures and where the allegation of malpractice is proven sanctions may be applied up to and including permanent exclusion.

Where the alleged malpractice may have involved any criminal activity the police should be informed and they may conduct their own investigations.

Alleged malpractice on the part of staff

Any allegation of malpractice made against a member of staff should be investigated through the College's Academic Malpractice Policy and the awarding body informed. The investigation will be conducted under awarding body guidance. Where malpractice is proven or uncovered by the College and it has compromised the integrity of results submitted or planned to be submitted to an awarding body, then the awarding body must be updated by the Head of Service: Quality and Learner Services or, where the allegation involves Quality and Learner Services staff, by the Assistant Principal.

Allegations made to the awarding body directly by a student, member of staff or others are likely to be brought to the College's attention and investigated following the policies and procedures of that awarding body.

Where allegations of malpractice are proven the awarding body may apply sanctions against the member of staff and/or College.

A staff member may also be subject to investigation under the College's Disciplinary Procedure where malpractice has been alleged.

Where the alleged malpractice may have involved any criminal activity the police should be informed and they may conduct their own investigations.

Alleged maladministration on the part of the College

The awarding body should be informed of any allegation of maladministration made against the College immediately by the Assistant Principal or by the Principal where the allegation involves the Assistant Principal.

The awarding body may take the decision to allow the College to investigate the allegation; it may undertake the investigation itself or appoint a third party to conduct the investigation on its behalf.

Where the College investigates the alleged maladministration this is done following the College's Complaints Handling Procedure. If there is any indication that the alleged maladministration may have involved criminal activity then the police should be informed

Where maladministration is proven the awarding body may apply sanctions against the College. The potential sanctions cover a wide range up to suspension as an approved centre.

The awarding body may investigate the College following its own policies on maladministration. Where allegations of maladministration are proven the awarding body may apply sanctions against the College.

Reporting

How to report concerns about malpractice to an Awarding Body

All suspected cases of malpractice, including those from a third party, should be reported in writing to the awarding body.

In the case of SQA the Head of Service: Quality and Learner Services will write on behalf of the College setting out the suspect malpractice and the action to date to:

Verification Planning Manager
Operations Directorate
SQA
Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Where any suspected malpractice may also have involved a criminal act then the police should also be informed.

In the case of City and Guilds the Head of Service: Quality and Learner Services will notify City & Guilds at investigationandcompliance@cityandguilds.com immediately on identification of any suspected/alleged malpractice and/or maladministration and prior to the College conducting an internal investigation.

Report on a malpractice investigation to an awarding body

After the investigation into the alleged malpractice, the Principal or designated deputy should submit a written report on the case to the awarding body. The report (see Appendix 2 for an example) should be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances of alleged malpractice and details of any investigations carried out.
- Written statements from relevant centre staff, candidates or third parties.
- Any work of the candidate(s) and internal assessment or verification records relevant to the investigation.
- The investigation findings identifying the nature and implications of any malpractice identified.
- Any remedial action being taken by the centre to ensure the integrity of certification now and in the future.
- Any mitigating factors that should be considered.

In those cases where awarding body carries out its own investigation, the Principal will have an opportunity to comment on the factual accuracy of the investigation findings.

Appeals against candidate malpractice decisions

The College must advise candidates they have the right to appeal a decision where a case of candidate malpractice has been upheld. Candidates will be made aware of the College's internal appeals process and that they have the right of a further appeal to the awarding body after the centre's internal appeals process has been exhausted if they are unhappy with the outcome.

Candidates have a right to appeal to an awarding body where:

- the College has conducted its own investigation and the candidate disagrees with the outcome
- the awarding body has asked the centre to conduct an investigation and the candidate disagrees with the outcome
- the awarding body conducts its own investigation and the candidate disagrees with our decision

A candidate appeal against the outcome of the College's investigation into candidate malpractice can be considered by the awarding body only after the College's internal appeals process has been exhausted. At that point, the candidate's appeal must be submitted, in writing to the awarding body within ten working days of being notified of the decision. In the case of SQA being the awarding body the letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 3), and should be clearly marked as an appeal.

The appeal must include a written account of why the candidate thinks that the centre's decision is wrong, and this account must address the reasons for the original decision given by the centre. Any evidence submitted to support this claim must be relevant to the case being made. The awarding body may seek additional information to assist their review of the case. In the case of SQA they will respond in writing, giving a decision within fifteen working days of receiving the appeal. The outcome of this appeal is final. For other awarding bodies the Head of Service: Quality and Learner Services will advise the candidate of the relevant contact details.

The College also has the right of appeal against any findings of malpractice or maladministration on its part. Details of to whom to appeal in the case of SQA are available in Appendix 1.

Complaints

In addition to the appeals procedure, any formal complaint about the College's administration of the case can be submitted according to the formal Complaints Handling procedure available from the College website.

Regulated qualifications

For those qualifications that are subject to regulation by SQA Accreditation or

Ofqual (e.g. NVQs/VRQs) candidates have the right to request a review of the awarding body's process in reaching this decision with the appropriate regulator. SQA SVQ's are subject to SQA accreditation and ILM/City and Guilds NVQs/VRQs are subject to ILM/ City and Guilds accreditation. ILM/City and Guilds regulator is Ofqual. The regulator will advise on next steps.

Retention of Evidence

The Quality team is responsible for retaining evidence of any malpractice investigation and its outcomes. Records should be retained for 3 years or 5 years in cases where there have been criminal prosecution or civil proceedings.

Responsibilities

The implementation of the Malpractice Policy is the duty of all managers involved in the assessment and certification of our students. Employees also have a duty to uphold this policy and report any concerns regarding malpractice.

Board of Management: The Board of Management are responsible for ensuring that the College complies with this policy.

Principal and Chief Executive: The Principal is responsible for overseeing compliance with this policy and directing investigation instigated by awarding bodies into malpractice.

Head of Service: Quality and Learner Services is responsible for the policy implementation. In revising the policy from time-to-time the Head of Service must ensure that it complies with the current awarding body requirements, their quality standards and the College's status as an approved centre. The Head of Service is responsible for the liaison with the awarding body in a case of suspected malpractice.

The Vice Principal and the Head of Service: Quality and Learner Services are responsible for the review and update of the policy and procedure. Staff will be invited to comment and make recommendations on draft policies and procedures before final approval by the Senior Team.

Head of Service: Quality and Learner Services is responsible for ensuring that college registration, records, examination and results systems are secure and comply with the requirements of awarding bodies

Centre Managers and Centre Deputes are responsible for the implementation of this policy as it relates to assessment practice and for reporting any suspected malpractice to the Head of Service: Quality and Learner Services

Lecturing Staff are responsible for complying with the policy and promoting good practice amongst students to minimise the incidents of malpractice. They must report all incidences of suspected malpractice to their line manager.

Support Staff are responsible for adhering to best practice and avoiding unintentional or deliberate malpractice. They must report all incidences of suspected malpractice to their line manager.

Learners: All learners are responsible for adhering to the rules and regulations governing assessment of their work.

Related Documents

External legislation or guidance

- SQA Policy and procedures for dealing with centre (including academic) and candidate malpractice in internally and externally assessed qualifications: Information for centres - April 2018
- https://www.sqa.org.uk/sqa/files_ccc/MalpracticeInformationForCentres.pdf
- City & Guilds Candidate malpractice in externally assessed examinations and assessments – Nov 2019
- Current guidance from other awarding bodies as appropriate

Internal linked policies, procedures or guides.

- Internal and External Assessment Policies
- Complaints Handling Procedure
- Disciplinary Policy and Procedure
- Internal Verification Policy and Procedure
- Student Positive Behaviour and Discipline Procedure
- Whistleblowing Policy
- Secure Acquisition and Storage of Assessment Materials Policy and Procedure

Appendix 1

Who to contact to appeal against malpractice decisions (SQA)

SQA managers

The College's first contact with the relevant SQA manager will be to agree a time to discuss their disagreement with SQA's decision or in a case of a candidate once they have exhausted the College's internal appeals process

Cases of malpractice in HN/Vocational Qualifications

Head of Operations for HN/Vocational Qualifications Operations
Directorate Tel: 0345 213 5994

Cases of malpractice in National Qualifications

Head of NQ Delivery: Assessment and Data Services Operations
Directorate Tel: 0345 213 6853

Head of Accreditation

SQA Accreditation
SQA
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Other Awarding Bodies this Policy applies to (this list is not exhaustive)

ILM

ILM Regulation and Quality Improvement Manager
ILMRegulation@cityandguilds.com

EAL

Customer Services Team
customercare@eal.org.uk
01923 652400

Ofqual

Email: public.enquiries@ofqual.gov.uk
Telephone: 300 303 3344

City and Guilds

Email: investigationandcompliance@cityandguilds.com
Guidance documents and information on what constitutes malpractice and maladministration are available [here](#).

Appendix 2

West Lothian College

Investigation Report Form

Qualification title:	
Date of issue:	
Centre number:	
Centre name:	
Unit code(s)/name:	
Level:	
Candidate(s) involved (if appropriate):	
Staff involved (if appropriate):	
Area of concern:	

To be completed by the Principal or designated deputy.

I confirm that all individuals involved have been notified about the above issue and have been given opportunity to comment.

Where appropriate, a signed statement from each individual is available.

Our findings, based on these investigations, are as follows: (attach additional documentation is required):

The individuals involved have been notified of these findings and have been given further opportunity to comment. All parties are aware that this information will inform the decision made by the Awarding Body regarding any application of sanction.

Signature:

Date:

Position:

Please return this form and supporting documentation/evidence to appropriate department of Awarding Body

Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on iShare.

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Academic Malpractice Policy and Procedure v1.5
Strategy/Policy includes Equalities Statement of Inclusiveness? Yes/No	<p>Text to be included in strategy/policy:</p> <p>Statement of Inclusiveness</p> <p>West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>Please see end of this document for EIA.</p>
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	Undertaking a review of an existing policy/practice
Person responsible for the policy area or practice:	

Name:	Jenny Stalker
Job title:	Head of Service: Quality and Learner Services
An Equality Impact Assessment must be carried out if the policy/practice:	
<ul style="list-style-type: none"> • affects operational or strategic functions of the College • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance) 	
Why the EIA is being carried out	<ul style="list-style-type: none"> • affects operational or strategic functions of the College
Equality Groups	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	No negative impact for any group. Policy and Procedure is designed to monitor behaviours and practice of staff to ensure compliance with awarding body requirements and professional standard, which ensures a high quality learning experience for all students

Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	No group identified. The policy and procedure ensures that staff practices are reviewed and adjusted to ensure compliance and professionalism.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less	No

favourable treatment for particular equality groups?	
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will foster good relations:	Policy and procedure is written to ensure that all staff are compliant and professional in their practices which results in high quality of service for students
Will the policy/practice create any barriers for any other groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
Which equality groups or communities have been consulted in the development and review of this policy/practice?	None

Equality Impact Assessment Outcome	
Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):	
<p>Option 1: No change required – the assessment is that the policy/practice is/will be robust.</p> <p>Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p>Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p> <p>Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	<p>No change required – the assessment is that the policy is robust.</p>
Monitoring	
When will the policy/practice next be reviewed?	January 2023

Publication of EIA	
Can this EIA be published in full, now? Please state Yes or No If No – please specify when it may be published or indicate restrictions that apply:	Yes
Sign-off	
EIA undertaken by Name: Date: Accepted by person responsible for the policy/practice named above: Name: Date: Approved by Equalities Committee Date:	Shelagh Fraser 28-1-2020 Jenny Stalker 28-1-2020 Not a new policy