



# Linden Lodge School

Provider of specialist education since 1903

Title:	<b>Staff Malpractice and Maladministration Policy</b>
Type:	POLICY

Review Cycle Frequency:	Annually
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Lead Staff:	Exams officer
Support:	Co-Headteacher

#### VERSION CONTROL:

Version No	New document or reasons for revision	Agreed by	Date
1	Migration to new document version control system		
2	Policy Update	Office	10/03/22
3	Policy update	Office	Sept 2022
4	Policy update		Sept 2025

#### LINKED INTERNAL DOCUMENTS:

1. Exams Policy
2. Non-Examination Assessment Policy
3. Safeguarding Policy
4. Data Protection Policy
5. Equality, Diversity & Community Cohesion Plan
6. Health & Safety Policy
7. Complaints Policy
8. AI Policy

#### LINKED EXTERNAL DOCUMENTS:

JCQ General Regulations for Approved Centres  
JCQ Suspected Malpractice: Policies and Procedures.

#### Equalities Statement:

We have carefully considered and analysed the impact of these policies on equality and the possible implications for people with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

#### Requests for Paper Copies:

If you require this policy in a different format e.g. print or braille please contact

[Co-Headteachers@lindenlodge.org.uk](mailto:Co-Headteachers@lindenlodge.org.uk)

#### Wellbeing statement of commitment

We are committed to providing a healthy working environment and improving the quality of working lives for all staff and students. The wellbeing strategy aims to support our mission, core values and freedom of thought and expression, freedom from discrimination and the recognition that our community is our greatest asset. For further information on our school's commitment to wellbeing, please see the Mental Health and Wellbeing Policy and Strategy document, or visit our school website.

## **Introduction**

### **What are malpractice and maladministration?**

'Malpractice' and 'maladministration' are distinct but related concepts, the common theme being that they involve a failure to follow the rules of an examination or assessment. This policy and procedure use the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means 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
- gives rise to prejudice to candidates, and/or
- compromises public confidence in qualifications, and/or which: 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.

### **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.

### **Centre malpractice**

'Centre malpractice' normally involves malpractice where there is an element of systemic failure, a breach in policies or widespread malpractice such that a centre-level sanction is appropriate.

### **Suspected malpractice**

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice (regardless of how the incident might be categorised.)

### **Purpose of the policy**

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding staff malpractice in the assessment of internally marked qualifications and also regarding examinations invigilated by staff at the school and marked externally. This also covers maladministration.

## General principles

In accordance with the regulations Linden Lodge School will:

- take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place
- 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
- as required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the current JCQ document Suspected Malpractice - Policies and Procedures and provide such information and advice as the awarding body may reasonably require

## Preventing malpractice

Linden Lodge School has in place:

- Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ document Suspected Malpractice: Policies and Procedures.
- This includes ensuring that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance:
  - General Regulations for Approved Centres 2025-2026
  - Instructions for conducting examinations (ICE) 2025-2026
  - Instructions for conducting coursework 2025-2026
  - Instructions for conducting non-examination assessments 2025-2026
  - Access Arrangements and Reasonable Adjustments 2025-2026
  - A guide to the special consideration process 2025-2026
  - Suspected Malpractice: Policies and Procedures 2025-2026 (this document)
  - Plagiarism in Assessments
  - AI Use in Assessments: Protecting the Integrity of Qualifications
  - Post Results Services June 2025 and November 2025
  - A guide to the awarding bodies' appeals processes 2025-2026
  - Guidance for centres on cyber security

## Reporting Concerns

Any member of staff who suspects malpractice or maladministration must report their concerns immediately to the Head of Centre or Exams Officer. Concerns may be raised without fear of victimisation in accordance with the centre's Whistleblowing Policy.

## Examples of Staff Malpractice

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by staff with regards to portfolio-based qualifications. This list is not exhaustive:

- Tampering with candidates work prior to external moderation/verification
- Assisting candidates with the production of work outside of the awarding body guidance
- Fabricating assessment and/or internal verification records or authentication statements

The following are examples of malpractice by staff with regard to examinations:

- Assisting candidates with exam questions outside of the awarding body guidance
- Allowing candidates to talk, use a mobile phone or go to the toilet unsupervised
- Tampering with scripts prior to external marking taking place.

## Head of centre responsibility

The Head of Centre has overall responsibility for ensuring that all suspected or actual cases of staff malpractice and maladministration are investigated and reported to the relevant awarding body in accordance with the JCQ *Suspected Malpractice in Examinations and Assessments 2025/26* guidance.

## Staff Malpractice Procedure

Investigations into allegations will be coordinated by the Head of centre who will ensure the initial investigation is carried out within ten working days. The person responsible for coordinating the investigation will depend on the qualification being investigated. The investigation will involve establishing the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true. Where appropriate, the staff member concerned, and any potential witnesses will be interviewed, and their version of events recorded on paper.

The member of staff will be:

- informed in writing of the allegation made against him or her informed what evidence there is to support the allegation
- informed of the possible consequences, should malpractice be proven given the opportunity to consider their response to the allegations
- given the opportunity to submit a written statement
- given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- informed of the applicable appeals procedure, should a decision be made against him/her
- informed that all suspected or actual cases of malpractice will be reported to the relevant awarding body in accordance with JCQ *Suspected Malpractice in Examinations and Assessments 2025/26*, and may also be reported to Ofqual, the police and/or professional bodies where required.

## Additional examples of Staff Malpractice

Attempted or actual malpractice activity will not be tolerated. The following are examples of malpractice by staff with regards to portfolio-based qualifications. This list is not exhaustive:

- Tampering with candidates work prior to external moderation/verification
- Assisting candidates with the production of work outside of the awarding body guidance
- Fabricating assessment and/or internal verification records or authentication statements

The following are examples of malpractice by staff with regard to examinations:

- Assisting candidates with exam questions outside of the awarding body guidance
- Allowing candidates to talk, use a mobile phone or go to the toilet unsupervised
- All suspected malpractice will be reported to the relevant awarding body as soon as possible and without delay once the initial investigation has established reasonable grounds.

## Reporting suspected malpractice to the awarding body

- The head of centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ document Suspected Malpractice: Policies and Procedures
- Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration
- If, in the view of the investigator, there is sufficient evidence that an individual may have committed malpractice, that individual will be informed of all the required information and the accused individual informed of their rights and responsibilities
- Once the information gathering has concluded, the head of centre (or other appointed information gatherer) will submit a written report to the relevant awarding body summarising the information obtained and actions taken, accompanied by the information obtained during the course of their enquiries, centre staff, form JCQ/M3 will be used.
- 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.

## Record keeping

The centre will retain all records, statements, evidence, investigation notes and correspondence relating to malpractice or maladministration cases for the period specified by JCQ and awarding body regulations. These records will be made available to JCQ or awarding bodies upon request.

This policy relates solely to staff malpractice and maladministration. Allegations of candidate malpractice are addressed under the centre's Examination Policy and Candidate Malpractice procedures in line with JCQ ICE 2025/26.

## Staff Malpractice Sanctions

Where a member of staff is found guilty of malpractice, Linden Lodge School may impose the following sanctions:

**Written warning:** Issue the member of staff with a written warning stating that if the offence is repeated within a set period of time, further specified sanctions will be applied;

**Training:** Require the member of staff, as a condition of future involvement in both internal and external assessments to undertake specific training or mentoring, within a particular period of time, including a review process at the end of the training;

**Special conditions:** Impose special conditions on the future involvement in assessments by the member of staff;

**Suspension:** Bar the member of staff in all involvement in the administration of assessments for a set period of time;

**Dismissal:** Should the degree of malpractice be deemed gross professional misconduct; the member of staff could face dismissal from his/her post.

## **Appeals**

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in line with the organisations Appeals Policy.

Linden Lodge School will:

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

## **Communicating malpractice decisions**

Once a decision has been made, it will be communicated in writing to the head of centre as soon as possible. The head of centre will communicate the decision to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The head of centre will also inform the individuals if they have the right to appeal.

## **Maladministration**

Maladministration is any unintentional activity or practice that leads to non-compliance with awarding body requirements. In most cases, maladministration will relate to administrative or quality assurance procedures, and may involve any or all of the following: candidates, centre staff, awarding organisation staff.

To mitigate against errors in administration, or maladministration, the entry record will be created by the exams officer and checked by the Head of 6<sup>th</sup> Form before and after entry of candidates to any specified award.

## **Examples of maladministration**

The categories listed below are examples of centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- persistent failure to adhere to our learner registration and certification procedures,
- persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre,
- unreasonable late learner registrations (both infrequent and persistent),
- unreasonable delays in responding to requests and/or communications from awarding bodies
- inaccurate claim for results and/or certificates,
- failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence,
- withholding of information, by deliberate act or omission, from us which is required to assure us of the centre's ability to deliver qualifications appropriately
- Incorrect registering of qualifications or units
- Incorrect candidate names

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