



CODE OF CONDUCT FOR STAFF ON STUDENT ASSESSMENT

This document includes

Malpractice
Conflict of Interest
Maladministration

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CODE OF CONDUCT FOR STAFF ON STUDENT ASSESSMENT

1. SUMMARY

- 1.1 The professionalism and hard work of Harlow College and Stansted Airport College staff in implementing the Teaching and Learning and Assessment Strategy has placed the College in a leading position for student achievement.

It is more important that nothing be allowed to undermine the high reputation of Harlow College and Stansted Airport College, its staff and programmes.

All assessment for all qualifications delivered at Harlow College or Stansted Airport College must be conducted with integrity, following not only these guidelines but also the more specific rules laid out by the various awarding or governing bodies.

The code aims to:

- Guide all staff in administering and delivering qualifications with integrity
- Identify some of the common forms of fraud and maladministration
- Draw attention to potential conflict of interest and how such conflicts should be addressed.
- Identify the processes for dealing with the above
- Protect the Harlow College or Stansted Airport College “brand” and the staff of the College by signing up all staff to operating to the highest possible standards

This guidance will inform the conduct of all registration, assessment and certification in the College. Generally awarding organisations operate within the guidance of the Joint Council for Qualifications (JCQ) and their documents, including Instructions for Conducting Examinations and Suspected Malpractice in Examinations and Assessments (both published annually) should be read in conjunction with this document when any consideration is given to any form of Malpractice. Teams must however be aware of the specific guidance of their awarding organisations regarding malpractice, including IMI, Gateway, City and Guilds, Pearson, VTCT and NCFE/CACHE.

Higher education qualifications offered in partnership with Pearson are covered by Harlow College Assessment Regulations for HND/HNCs.

2. MALPRACTICE

2.1 BROAD DEFINITIONS

Malpractice consists of those acts which undermine the integrity and validity of assessment, the certification of qualifications and/or damage the authority of those responsible for conducting the assessment and certification.

Failure by a centre to notify, investigate and report to an awarding body allegations of suspected malpractice constitutes malpractice. Also, failure to take action as required by an awarding body, as detailed in this document, or to co-operate with an awarding body’s investigation constitutes malpractice.

Breach of security

Breaking the confidentiality of grades awarded that are subject to embargo, question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents.

Deception

Any act of dishonesty in relation to any examination or assessment, such as inventing or changing marks for internally assessed components (e.g. coursework, assignment or portfolio) where there is no actual evidence of the candidates' achievement to justify the marks being given.

Improper assistance to candidates

Giving assistance beyond the requirements of the specification or awarding body guidelines to a candidate or group of candidates, such as assisting candidates in the production of coursework beyond the level permitted by the regulations.

Maladministration

Failure to adhere to the regulations regarding the conduct of coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examination papers, candidate scripts, mark sheets, cumulative assessment records, and certificate claim forms, etc., such as failing to ensure that candidates' work is adequately monitored and supervised.

2.2 EXAMPLES OF MALPRACTICE

The following are examples of malpractice. It is not an exhaustive list and as such does not limit the scope of the definitions set out earlier in this document. Other instances of malpractice may be identified and considered by the awarding bodies (and the College) at their discretion.

Breach of security

It could involve:

- failing to keep examination material secure prior to an examination;
- discussing or otherwise revealing secure information in public, e.g. internet forums;
- moving the time or date of a fixed examination (beyond the arrangements permitted by the regulations within the JCQ publication Instructions for conducting examinations) without notifying the relevant awarding body; (Conducting an examination before the published date is centre staff malpractice and a clear breach of security);
- failing to supervise adequately candidates who have been affected by a timetable variation (this would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day);
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;

- failing to retain and secure examination papers after an exam in cases where the life of the paper extends beyond the particular session (such papers are always clearly marked). For example, where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts or coursework after collection and before despatch to the awarding body/examiner/moderator;
- failing to keep student computer files which contain coursework secure.
- revealing grades that are under embargo.

Deception

Could involve:

- inventing or changing marks for internally assessed components (e.g. coursework/assignment) where there is no actual evidence of the candidates' achievement to justify the marks being given;
- manufacturing evidence of competence against national standards;
- fabricating assessment and/or internal verification records or authentication statements, including falsified witness statements for work the learner has not done;
- allowing work, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework;
- entering fictitious candidates for examinations or assessments
- failure to declare a conflict of interest in a candidate being assessed, etc.; for example, relative or friend, etc.

Improper assistance to candidates

Could involve:

- assisting candidates in the production of work, or evidence of achievement/competence, beyond that permitted by the regulations;
- sharing candidates' work with other candidates;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in Language Speaking Examinations by means of signs, or verbal or written prompts;
- assisting candidates granted the use of an oral language modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations.

Conflict of Interest

- A conflict of interest (COI) is a situation where there is a potential conflict between the official responsibilities of a person in a position of trust and any other interests the particular person may have, which could potentially influence the actions of that individual. For example, if a member of staff is both the assessor or invigilator, etc. and a relative or friend of a learner, or if a person is associated with more than one organisation, which means that impartiality may be impaired.
- Other examples of conflict of interest may involve where an assessor internally-quality assures his or her own assessments or whose actions in assessing or certification could potentially be interpreted as for personal gain.
- Another situation where a conflict of interest can arise is where current staff are being taught by another member of Harlow College or Stansted Airport College staff for a recognised qualification. This should be reported to the awarding organisation and their guidance followed. In some circumstances special arrangements may have to be made for their assessment or examination, including external verification.
- Conflicts of interest should also be taken where there is any form of reciprocal agreement between an external organisation and the College, where Harlow College or Stansted Airport College provides training to the staff of a supplier.
- A conflict of interest exists if the circumstances could reasonably be believed to create a risk that a member of staff's decision or action may be unduly influenced by other, secondary interests, and not on whether a particular individual is actually influenced by a secondary interest.
- It is the responsibility of the member of staff to declare in writing any conflict of interests to an appropriate manager and failure to do so will be considered as academic malpractice. See Section 5, Managing a declared conflict of interest.

If there is any doubt whether or not it represents a conflict of interest it should be reported.

2.3 Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc.

Some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations. However, awarding organisation regulations must be followed because, for example, careless administration of exams and tests can unfairly advantage or disadvantage candidates, and in extreme cases invalidate the results.

Whilst there are several examples of maladministration which are covered by the relevant awarding organisation regulations, it is felt appropriate to list some of the common instances which are meant to be illustrative of such malpractice:

- failure to register learners promptly, within the awarding organisations deadlines or regulations (i.e. prior to assessment) if specified.
- registration of learners who have already successfully completed the qualification which particularly applies to function skills.
- failure to keep accurate and up-to-date records for internal and external inspection during the course and for the specified period of time after certification (including all registration, assessment/examination, internal verification and certification claim records).
- granting access arrangements to candidates where prior awarding organisation approval has not been granted
- failure to use current, suitable and approved assignments for unit assessment
- using non-approved or non-qualified staff to assess or internally verify internal assessment
- failure to ensure that candidates' assessment or examinations are completed in controlled conditions as specified by the awarding organisation.
- failure to issue or report results (including interim results annually)
- failure to claim the correct units/correct grades/incorrect combinations as outlined in the specification's rules of combination
- failure to promptly claim or withhold or retain certification without the prior authorisation of the awarding organisation

It is important to note that **all** staff supervising exams, tests or coursework are subject to these regulations, not just specialised exams staff and subject teachers.

Managing Maladministration

Delivery managers and Lead IVs are expected to attend annual training on the completion of claim documentation. All claims must have a countersignature and follow the internal process for making a claim which includes the manager of the delivery area signing off the claims. Claims are subject to random Quality Team checks at any time to ensure a robust process is maintained.

Any qualification which involves internally-assessed work must match the unit tracking on ProMonitor, or equivalent on-line markbook. ProMonitor is archived annually. It is the College's expectation that marks will be recorded on ProMonitor (or similar) so that students can see their progress, provisional marks and challenge any incorrectly recorded grades.

Repeated and egregious "administrative errors" will be treated as malpractice.

3. WHISTLE BLOWING (PUBLIC INTEREST DISCLOSURE POLICY)

- 3.1** This policy is detailed in the Staff Handbook. It provides a route for staff who are concerned about fraud or irregularity to report this without fear of retribution or victimisation.

Any individual can report suspected malpractice directly to an awarding organisation e.g. CMI, Pearson, Gateway, using their own Whistle Blowing Policy.

4. DEALING WITH CASES OF MALPRACTICE AND MALADMINISTRATION

- 4.1 Any suspected malpractice must be reported initially to the line manager concerned, and then to the Executive member responsible for Quality. Where it is concluded that there may be a case to answer, an Investigating Officer will be appointed to investigate the case. *Please note that section 3 above allows for the possibility of reporting directly to a senior manager where circumstances justify it.*
- 4.2 An Investigating Officer conducting a formal investigation will be required to explore how far the malpractice was deliberate and its impact on students.

The Investigating Officer will follow the JCQ Guidance on such an investigation (Appendix 3 - A guide to investigating an allegation of malpractice).
<http://www.jcq.org.uk/exams-office/malpractice>

- 4.3 Deliberate malpractice is covered by the College Staff Disciplinary Policy and Procedures. Non-deliberate acts – e.g. maladministration – may fall under other related policies.
- 4.4 It is not the purpose of this document to spell out sanctions, which are entirely dependent on the nature of each individual case. They may range from verbal warnings right through to dismissal.
- 4.5 Alongside the actions described above, the College will pursue a policy of openness with all awarding organisations. Their guidelines for the reporting of malpractice will be strictly followed, and, where appropriate, their own investigation evidence may be used in College investigations .e.g. Instances of suspected malpractice will be reported to the specific awarding organisation i.e. CMI, immediately. The College will not hesitate to contact the Malpractice Team at the relevant awarding organisations for advice and guidance.

5. Managing a declared Conflict of Interest

- 5.1 A declaration of a potential conflict of interest should be made to the Head of Academy in writing, or following the appropriate line management structure in relation to the individual, providing details of the specification(s) and qualification level(s) where the conflict of interest lies; and the nature of the conflict of interest.

In many cases, following a review of the circumstances, a declaration of a potential conflict of interest with an appropriate undertaking by the person(s) involved will be sufficient. Where it is not, appropriate actions will be taken to eliminate or reduce such conflict of interests, including allocating the activity to another member of staff (e.g. assessment or invigilation), Or where, for instance, there is only one specialist assessor in a particular subject or discipline, a specialist external to the College may be employed. Consideration must be given to reporting any conflict of interest to the awarding organisations and this is explained in JCQ and some awarding organisation's regulations. All declarations will be held by the Academy concerned.

Where a conflict of interest has **not** been declared, this is malpractice and in addition to Point 4, above, must be reported to the awarding organisation via the Quality Nominee.

Appendix 1

Sources of further guidance

- NVQ Code of Practice and Addendum (Ofqual)
- JCQ - Suspected Malpractice in Examinations and Assessments (updated annually)
- Pearson – Centre guidance: dealing with malpractice February 2017 v5 (regularly reviewed and updated)
- City and Guilds Assessment Malpractice
(<http://www.cityandguilds.com/delivering-our-qualifications/centre-development/centre-document-library/policies-and-procedures/assessment-malpractice>)

Tracking and Reference Information

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Related Documents:

IQA Handbook
Harlow College Academic Assessment Policy
Student Disciplinary Procedure
Staff Disciplinary Procedure
Grievance Policy
Equality & Diversity Policy
Data Protection Policy
The Whistleblowing Policy
Safeguarding and Prevent Policy

Complaints: If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

Monitoring: The application of this policy and associated procedure will be monitored by HR Services

Easy Reading: To receive this policy/procedure in a different format, please contact HR Services